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MONTANA LEGISLATIVE HISTORY

Chapter 543 19 99

Bill H _____ S 334 Original bill & history X C

H. Committee on FISH, WILDLIFE & PARKS			S. Committee on FISH & GAME		
Hearing Date(s)	3/25	X C	Hearing Date(s)	2/11	X C
	3/29	X C		2/18	X C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____ Yes X No

Committee _____ Report _____

Conference Committee: 4/13/99 X C

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendent information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

Senate BILL NO. 334

INTRODUCED BY Mannon Hibbard Swanson Hertel
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO OUTFITTERS; REVISING THE MEMBERSHIP AND APPOINTMENT PROCEDURES OF THE BOARD OF OUTFITTERS; DEFINING "NET CLIENT HUNTER USE" AND ESTABLISHING CRITERIA TO BE APPLIED BY THE BOARD OF OUTFITTERS AND THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS IN DETERMINING WHETHER AN EXPANSION OF NET CLIENT HUNTER USE IS ALLOWABLE; PROVIDING ADDITIONAL DEFINITIONS; ESTABLISHING FEES; PROVIDING CONTINGENT VOIDNESS PROVISIONS; AND AMENDING SECTIONS 2-15-1833, 37-47-101, 37-47-201, AND 37-47-306, MCA."

WHEREAS, private property rights and free market principles will result in a certain amount of ebb and flow of outfitter presence statewide or in any particular geographical region; and

WHEREAS, approval or denial of an outfitter's request for expansion of client service base is predicated upon the state's broad power to regulate for the public health, welfare, and safety, which includes wildlife held in public trust, public hunting, private property rights, and private enterprise; and

WHEREAS, approval or denial of a net client hunter use expansion request must provide due process for outfitters and the opportunity for public comment under the Montana Administrative Procedure Act, including agency response to those public comments; and

WHEREAS, implementing the regulations necessary to meet the Legislature's goal of a reduction in new hunting use of areas by outfitters when the new use will cause undue conflict with existing hunting uses in the areas, providing necessary due process to outfitters, and providing for and responding to public comment will require time, staff, and resources not currently available in agency budgets.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-15-1883, MCA, is amended to read:

"**2-15-1883. Board of outfitters.** (1) There is a board of outfitters.

(2) (a) The board consists of seven members to be appointed by the governor.

(b) ~~Five members must be licensed outfitters who are actively involved in the outfitting business.~~

One member must be a hunting outfitter who outfits primarily on public land, and one member must be a hunting outfitter who outfits primarily on private land. ~~At least one~~ One of the outfitter members must be a person primarily engaged in the fishing outfitting business. Two members must be sportspersons. ~~Each outfitter member shall represent one of the five districts designated in 2-15-3402(2). Two qualified persons in each district must be nominated for appointment by the licensed outfitters residing in that district by submitting by mail a notarized ballot, in a form and manner prescribed by the board. The board shall also prescribe a procedure for selecting persons to be nominated by mail-in ballot. The two outfitters receiving the most votes must be nominated for appointment. The department of commerce is responsible for all notifications, reporting, and counting of ballots. Names of nominees must be submitted to the governor, who will select one outfitter from each district to be a board member.~~

(c) The governor shall also appoint one member who is ~~an employee of the department of fish, wildlife, and parks~~ a landowner who is not engaged in any form of fee hunting and one member from the general public.

(3) A vacancy on the board must be filled in the same manner as the original appointment.

(4) The members shall serve staggered 3-year terms and take office on the day they are elected.

(5) The board is allocated to the department of commerce for administrative purposes only as prescribed in 2-15-121.

(6) Each member of the board is entitled to receive compensation and travel expenses as provided for in 37-1-133."

Section 2. Section 37-47-101, MCA, is amended to read:

"**37-47-101. Definitions.** As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Accompany" means to go with or be together with a participant as an escort, companion, or other service provider, with an actual physical presence in the area where the activity is being conducted and within sight or sound of the participant at some time during the furnishing of service.

(2) "Base of operations" means the primary physical location where an outfitter receives mail and telephone calls, conducts regular daily business, and bases livestock, equipment, and staff.

(3) "Board" means the board of outfitters provided for in 2-15-1883.

(4) "Camp" means each individual facility or group of facilities that an outfitter uses to lodge a

client for a client's trip or uses to lodge a client in the operating area designated in the outfitter's operations plan, including a motel, campground, bed and breakfast, lodge, tent camp, cabin, camper, trailer, or house.

~~(3)~~(5) "Consideration" means something of value given or done in exchange for something of value given or done by another.

~~(4)~~(6) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

~~(5)~~(7) "Guide" means a person who is employed by or who has contracted independently with a licensed outfitter and who accompanies a participant during outdoor recreational activities that are directly related to activities for which the outfitter is licensed.

~~(6)~~(8) "License year" means that period beginning January 1 and ending December 31 of the same year.

~~(7)~~(9) "Net client hunter use" or "NCHU" means the most actual clients served by an outfitter in any license category in any license year since 1988, as documented by verifiable client logs or other documents maintained by the board pursuant to 37-47-201(7).

(10) "Nonresident" means a person other than a resident.

~~(8)~~(11) "Outfitter" means any person, except a person providing services on real property that the person owns for the primary pursuit of bona fide agricultural interests, who for consideration provides any saddle or pack animal; facilities; camping equipment; vehicle, watercraft, or other conveyance; or personal service for any person to hunt, trap, capture, take, kill, or pursue any game, including fish, and who accompanies that person, either part or all of the way, on an expedition for any of these purposes or supervises a licensed guide or professional guide in accompanying that person.

~~(9)~~(12) "Participant" means a person using the services offered by a licensed outfitter.

~~(10)~~(13) "Professional guide" means a guide who has met experience, training, and testing qualifications for designation as a professional guide, as set by board rule.

~~(11)~~(14) "Resident" means a person who qualifies for a resident Montana hunting or fishing license under 87-2-102."

Section 3. Section 37-47-201, MCA, is amended to read:

"**37-47-201. Powers and duties of board relating to outfitters, guides, and professional guides.**

The board shall:

(1) prepare and publish an information pamphlet that contains the names and addresses of all licensed outfitters. This pamphlet must be available for free distribution as early as possible during each calendar year but not later than the second Friday in March. The pamphlet must contain the names and addresses of only those outfitters who have a valid license for the current license year.

(2) cooperate with the federal government in matters of mutual concern regarding the business of outfitting and guiding in Montana;

(3) enforce the provisions of this chapter and rules adopted pursuant to this chapter;

(4) establish outfitter standards, guide standards, and professional guide standards;

(5) adopt:

(a) rules of procedure;

(b) rules to administer and enforce this chapter, including rules prescribing all requisite qualifications for licensure as an outfitter, guide, or professional guide. Qualifications for outfitters must include training, testing, experience in activities similar to the service to be provided, knowledge of rules of governmental bodies pertaining to outfitting and condition and type of gear and equipment, and the filing of an operations plan.

(c) any reasonable rules, not in conflict with this chapter, necessary for safeguarding the public health, safety, and welfare, including evidence of qualification and licensure under this chapter for any person practicing or offering to practice as an outfitter, guide, or professional guide;

(d) rules specifying standards for review and approval of proposed new operations plans involving hunting use or the proposed expansion of net client ~~hunting~~ hunter use, as set forth in [sections 5 and 6], under an outfitter's existing operations plan ~~in order to determine if the proposal will cause an undue conflict with existing hunting use of the area, constituting a threat to the public health, safety, or welfare. The board may not approve a new operations plan or the proposed expansion of net client hunting use under the existing operations plan if it finds that the proposal will cause an undue conflict with existing hunting use of the area~~. Approval is not required when part or all of an existing operations plan is transferred from one licensed outfitter to another licensed outfitter. Rules adopted pursuant to this section must provide for solicitation and consideration of comments from hunters and sportspersons in the area to be affected by the proposal who do not make use of outfitter services.

(e) rules establishing outfitter reporting requirements. The reports must be filed annually and report

actual leased acreage actively used by clients during that year and actual leased acres unused by clients during that year, plus any other information designated by the board that is considered necessary to evaluate the effectiveness of the hunter management and hunting access management programs, as requested by the review committee established in 87-1-269 or by the department of fish, wildlife, and parks.

(6) hold hearings and proceedings to suspend or revoke licenses of outfitters, guides, and professional guides for due cause~~;~~.

(7) maintain records of actual clients served by all Montana outfitters that meet the standards of the legislative auditor and that fulfill the requirements of subsection (5)(e)."

Section 4. Section 37-47-306, MCA, is amended to read:

"**37-47-306. Fees.** (1) The board shall establish fees commensurate with costs as provided in 37-1-134.

(2) Applications must be accompanied by a license fee as specified by board rule.

(3) ~~If a nonresident resides in a state requiring residents of the state of Montana to pay in excess of the amount established by the board for a similar license, the fee for the nonresident outfitter's, guide's, or professional guide's license must be the same amount as the higher fee charged in the state where the nonresident resides.~~ A nonresident hunting outfitter shall pay an annual license fee of $5,000 and is subject to the provisions of this chapter and rules adopted pursuant to this chapter that pertain to resident outfitters.

(4) The license fees must be deposited in the state special revenue fund and must be used by the board to investigate the applicant, to enforce this part, and for administrative costs, subject to 37-1-101(6)."

NEW SECTION. **Section 5. Request for net client hunter use expansion -- operation -- transfer of NCHU upon transfer of license.** (1) An outfitter who wishes to expand NCHU shall present an expansion request to the board. A newly licensed outfitter shall establish NCHU in the same manner as a licensed outfitter who requests an NCHU expansion. The board shall evaluate the request based on the criteria provided in [section 6].

(2) If an expansion of NCHU is approved by the board, the outfitter has 3 years to establish the

new NCHU. Upon expiration of the third year, the outfitter's client base must be adjusted to reflect the highest number of clients actually served, up to but not exceeding the number of clients authorized by the NCHU expansion request.

(3) An outfitter may exceed the NCHU in any given year by the following percentages without formally requesting an NCHU expansion:

(a) 10% for an outfitter with 1 to 50 clients;

(b) 8% for an outfitter with 51 to 100 clients; and

(c) 2% for an outfitter with 101 to 300 clients.

(4) When an expansion of NCHU is approved, the outfitter who is granted the expansion shall operate within the limits of the NCHU. The flexibility to exceed NCHU in any given year, as outlined in subsection (3), does not apply to an outfitter who has been previously granted an NCHU expansion.

(5) The NCHU of an existing outfitting business transfers with the license for that business unless the business has not been in operation for at least 3 years. Upon the expiration of 3 years, the client base must be adjusted to reflect the highest number of clients in any category during the preceding 3 years, not to exceed the total authorized by the NCHU.

(6) An outfitter who operates on United States forest service land or on bureau of land management acreage that does not involve private land must have NCHU established as allocated service days. That NCHU must fluctuate annually according to service day use and allocation and is not transferable to private land.

NEW SECTION. **Section 6. Criteria for board evaluation of NCHU expansion request -- public comments.** (1) The criteria listed in subsection (2) must be applied by the board in evaluating and deciding whether to grant an NCHU expansion request. The criteria must be considered in light of the cumulative effect of the current expansion request and any previously approved expansion requests. The board may not approve an expansion request unless, by a preponderance of the evidence, a reasonable person would conclude that the criteria support an expansion request.

(2) An NCHU expansion request may not be granted if any of the following criteria are established:

(a) The request creates closure of a public right-of-way.

(b) The requestor has current license restrictions imposed by the board or is currently subject to a disciplinary action imposed by the board.

(c) The requestor has been convicted or pleaded guilty to a violation of Montana hunting or fishing statutes, rules, or regulations.

(d) Any information in the request is inaccurate, untrue, or incomplete.

(e) The request does not cover adequate land to ensure the personal safety of hunters.

(f) Sufficient wildlife is not available to support the proposed number of hunters covered under the request.

(g) The proposed expansion would create or exacerbate a game damage situation.

(h) The proposed expansion would restrict the efforts of the department of fish, wildlife, and parks to manage area wildlife through permits issued to public hunters.

(3) Failure by a requestor to provide all pertinent information and documentation will result in the expansion request being deferred without action until the subsequent meeting of the board. If the requestor fails to provide the pertinent information and documentation before the subsequent board meeting, the request must be denied.

(4) Public comments concerning an NCHU expansion must be solicited and compiled by the department of fish, wildlife, and parks from affected recreationists and recreationist organizations, public land management agencies, affected landowners and landowner organizations, affected outfitters and outfitter organizations, and the general public. Public comment must be solicited through the issuance of press releases and by identification of proposed leased private land by its popular description. The department of fish, wildlife, and parks shall incorporate the public comments into the analysis of the expansion request required under subsection (5). In addition, the board shall consider the public comments separately from the department of fish, wildlife, and parks' analysis.

(5) In considering an NCHU expansion request, the board shall also consider any analysis and comments submitted by the department of fish, wildlife, and parks. Departmental analysis may include but is not limited to the following criteria:

(a) whether historic hunting data, such as the past occurrence of outfitting or public hunting, supports the request;

(b) whether negative impacts to the wildlife population will occur, given wildlife trends in the geographical region encompassed by the expansion request;

(c) whether public access or public hunting trends in the geographic region affected by the request will be negatively impacted;

(d) whether there have been past conflicts between the hunting public and outfitters or between individual outfitters and their clients in the geographic region affected by the request;

(e) if the expansion will create a negative effect on wildlife habitat;

(f) if the expansion will have negative implications on hunting on public land, hunting access, or outfitting;

(g) whether analysis of existing data regarding wildlife, hunting access, or other relevant information supports the expansion request; and

(h) whether there will be impacts on previously available hunting access in the geographic region affected by the request, such as impact on the block management program.

(6) The outfitter making the expansion request shall address the criteria outlined in subsection (5) to the best of the outfitter's knowledge. The analysis required in subsection (5) must be compiled using information supplied by the applicant, through public comment, and through any other available data. In the absence of data regarding any of the criteria, the board shall accept the professional recommendations of the department of fish, wildlife, and parks.

(7) In making its final decision regarding an expansion request, the board shall respond in the decision notice to comments received by outlining the comment and delineating how, if at all, the comment was incorporated into the final decision. The board shall also consider whether:

(a) the expansion will open private or public lands to public hunting that did not previously exist;

(b) the request addresses existing game damage by opening new public equivalent hunting opportunities for both outfitters and the public; and

(c) the expansion would directly restrict public access to public lands.

NEW SECTION. **Section 7. Fees in addition to annual license fee -- allocation.** (1) In addition to the fees required in 37-47-306, the following fees apply:

(a) An outfitter who operates on leased private land shall pay an annual fee of $10 for each client served.

(b) An outfitter who is granted a net client hunter use expansion shall pay a fee of $500 for each new client added to that outfitter's operations plan.

(c) An outfitter who operates camps in more than one department of fish, wildlife, and parks administrative region shall pay an annual fee of $5,000 for each camp that is located beyond a 100-mile

radius of the outfitter's base of operations and that is in an administrative region other than the region containing the outfitter's base of operations. A fee is not required for the outfitter's base of operations camp if the camp was established before October 1, 1999, or if a camp is established on federal land when use is directly regulated by federal land use policies.

(2) Fees collected pursuant to this section must be allocated equally between the board, to be expended pursuant to the authority in 37-47-306, and the department of fish, wildlife, and parks, to be expended pursuant to the authority in 87-1-601, and used to fund administrative costs related to implementation of this chapter.

NEW SECTION. **Section 8. Contingent voidness.** (1) If [LC 1708], submitting the annual fee of $10, for each client served, for an outfitter who operates on leased private land, is not approved by the electorate, then [section 7(1)(a)] of [this act] is void.

(2) If [LC 1709], submitting the fee of $500, for each new client added to an outfitter's operations plan, for an outfitter who is granted a net client hunter use expansion, is not approved by the electorate, then [section 7(1)(b)] of [this act] is void.

(3) If [LC 1710], submitting the annual fee of $5,000 for each camp for an outfitter who operates a camp in more than one department of fish, wildlife, and parks administrative region and the camp is located beyond a 100-mile radius of the outfitter's primary base of operations, is not approved by the electorate, then [section 7(1)(c)] of [this act] is void.

(4) If [LC 1708], [LC 1709], and [LC 1710] are all disapproved by the electorate, then [this act] is void.

(5) If Constitutional Initiative No. 75, enacting Article VIII, section 17, of the Montana constitution, is declared invalid, then this section is void.

NEW SECTION. **Section 9. Codification instruction.** [Sections 5 through 7] are intended to be codified as an integral part of Title 37, chapter 47, and the provisions of Title 37, chapter 47, apply to [sections 5 through 7].

- END -

FISCAL NOTE

Bill #: SB0334

Title: Revise board of outfitters membership and approval of net client hunter use

Primary Sponsor: Ken Mesaros

Status: As introduced

Ken Mesaros 2/5/99
Sponsor signature Date

Dave Lewis 2-4-99
Dave Lewis, Budget Director Date

Fiscal Summary

	FY2000 Difference	FY2001 Difference
Expenditures:		
State Special Revenue	$207,046	$128,409
Revenue:		
State Special Revenue	$341,350	$341,350

Net Impact on General Fund Balance:

Yes	No		Yes	No	
	X	Significant Local Gov. Impact	X		Technical Concerns
	X	Included in the Executive Budget		X	Significant Long-Term Impacts

Fiscal Analysis

ASSUMPTIONS:

Secretary of State

1. For purposes of CI-75, the incremental cost for the Secretary of State's Office (SoS) Voter Information Packet (VIP) is $16,107 plus county distribution costs of $57,030 for a total of $73,137. The SoS is to receive a general fund appropriation of this amount and, if the vote is successful, the Departments of Fish, Wildlife and Parks and Commerce will reimburse the general fund from the state special revenue approved by this issue. A statewide, non-general election has a base cost of $690,000 for the counties and $46,987 for the state for total general fund of $736,987. Per 1-2-112, MCA, county costs must be funded by the Legislature.

SB 334

Department of Commerce/Board of Outfitters

2. Under Section 4, the annual license fee for a nonresident outfitter would be increased from $235 to $5,000. There are currently 28 active nonresident hunting outfitters licensed with the board. There is no way to accurately predict the number of nonresident hunting outfitters that will renew at the increased fee to determine what additional revenues would be available for use by the Board of Outfitters.
3. Under Section 7, a $10 fee is proposed for each client served on leased private land. Information is not presently maintained on a computerized database to compile an accurate count. A 20% manual random sampling of hunting outfitter client logs for 1998 revealed the number of clients served on private ground warranting the $10 fee would be 6,827. This 20% sampling number multiplied by 5 to equal 100%, yields an estimated number of 34,135. The proposed fee of $10 for the 34,135 would generate $341,350. This projected revenue would be shared equally with the Department of Fish Wildlife and Parks yielding $170,675 per agency.
4. Under Section 7, a $500 fee is proposed for each new client granted under a net client hunter use expansion. Records of the Board of Outfitters indicate that expansion requests resulted in an average increase of 1,532 clients per year. It is assumed that this number will decrease dramatically with the passage of this bill so there is no way to determine the amount of revenue that will be generated as a result of this new fee. Any revenue collected would be shared equally with the Department of Fish Wildlife and Parks.
5. Under Section 7, an annual fee of $5,000 is proposed for each camp located beyond a certain radius of the outfitter's base of operation. Outfitters are not currently required to report this information. A random sampling of one-third of the outfitter client logs for 1998 revealed 14 hunting outfitters that operated in another administrative region from their base of operations. This one-third sampling number multiplied by 3 to equal 100%, yields an estimated number of 42 that would pay the additional fee. It is assumed that this number will decrease with the passage of this bill so there is no way to determine the amount of revenue that will be generated as a result of this new fee. Any revenue collected would be shared equally with the Department of Fish Wildlife and Parks.
6. Based on assumptions 2, 3, and 4, revenue generated under Section 7 of the bill that could be projected would total $341,350 or $170,675 per agency.
7. The Board of Outfitters would need 1.00 FTE, grade 12, statistician to implement and maintain records of actual clients served and actual leased acreage actively used by clients in addition to any other information designated by the board.
8. Operating costs of $22,177 in FY 2000 and $16,677 in FY 2001 would be required. The costs for each fiscal year include temporary secretarial services for data entry of $6,300 (700 hours @$9.00/hour); data network charges of $1,224 (2 computers @$51/month); general office supplies of $500; telephone and long distances charges of $698; office space rent which would double because of the lack of work space for existing & increasing staff of $4,980; educational and training costs of $300; indirect costs for personal services of $2,675 in FY 2000 and FY 2001; and in FY 2000 office equipment including two personal computers, two chairs, and additional work stations at a cost of $5,500.
9. The Department of Commerce, in HB252, has requested an appropriation to convert its existing databases to Oracle. If passed, the amount requested would be sufficient to cover the costs of creating a database to implement and maintain records provided for in assumption 6. Revenues generated with the passage of this bill would be used to cover the costs associated with an Oracle-based database for the Board of Outfitters.

Department of Fish, Wildlife and Parks

10. An average of 30 net client hunter use (NCHU) expansions/definitions will occur annually.
11. Regional staff (grade 14) will need an average of 25 hours administrative time per expansion request to provide analysis and input to the board of outfitters.
12. Each region, except region 1, will require an additional 0.25 FTE to obtain updated regional access maps and trend data. Due to limited involvement in the program, Region 1 will require 0.14 FTE.
13. Under Section 7, any revenue collected would be shared equally between the Board of Outfitters and Fish, Wildlife & Parks. Revenue estimates developed by the Department of Commerce estimate additional revenue of $341,350.

FISCAL IMPACT:

Dept. of Commerce	FY2000 Difference	FY2001 Difference
FTE	1.00	1.00
Expenditures:		
Personal Services	$27,300	$27,300
Operating Expenses	$30,231	$16,677
Transfers (to counties)	$28,515	0
TOTAL	$86,046	$43,977
Funding:		
State Special Revenue (02)	$86,046	$43,977
Revenues:		
State Special Revenue (02)	$170,675	$170,675
Net Impact to Fund Balance (Revenue minus Expenditure):		
State Special Revenue (02)	$84,629	$126,698
Fish, Wildlife and Parks		
FTE	2.00	2.00
Expenditures:		
Personal Services	$66,432	$66,432
Operating Expenses	$26,053	$18,000
Transfers (to counties)	$28,515	0
TOTAL	$121,000	$84,432
Funding:		
State Special Revenue (02)	$121,000	$84,432
Revenues:		
State Special Revenue (02)	$170,675	$170,675
Net Impact to Fund Balance (Revenue minus Expenditure):		
State Special Revenue (02)	$49,675	$86.243

TECHNICAL NOTES:

1. Section 7 (1)(c) provides a fee of $5,000 for each camp that is located beyond a 100-mile radius of the outfitter's base of operation, and that is in an administrative region other than the region containing the outfitter's base of operations. The sentence which states "A fee is not required for the outfitter's base of operations camp if the camp was established before October 1, 1999." seems to indicate that a $5,000 fee for the base of operation camp will be required after October 1, 1999. It is not clear if this is the intent of this section or if the intent is not to charge for base of operation camps at any time. The intent of this section needs clarification.
2. Section 7 should include a definition of "administrative region". It is not clear if "administrative region" in this section coincides with FWP designation of administrative regions that contain regional offices.

Montana Legislative Branch

Montana Legislature

Detailed Bill Information

1999 Session

| Top | Actions | Sponsor, etc. | Subjects | Add'l Bill Info | Eff. Dates | New Search |

Bill Draft Number: LC0559 Current Bill Text
Bill Type - Number: SB 334 Fiscal Note
Short Title: Revise laws related to outfitters
Primary Sponsor: Ken Mesaros

Bill Actions - Current Bill Progress: Became Law

Bill Action Count: 80

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
Chapter Number Assigned	05/04/1999			
(S) Signed by Governor	04/30/1999			
(S) Transmitted to Governor	04/22/1999			
(H) Signed by Speaker	04/21/1999			
(S) Signed by President	04/20/1999			
(S) Returned from Enrolling	04/19/1999			
(C) Sent to Printing	04/17/1999			
(S) Sent to Enrolling	04/16/1999			
(H) Motion Failed	04/16/1999	50	50	
(H) 3rd Reading Conference Committee Report Adopted	04/16/1999	50	49	
(H) Scheduled for 3rd Reading	04/16/1999			
(S) 3rd Reading Conference Committee Report Adopted	04/15/1999	48	2	
(H) 2nd Reading Conference Committee Report Adopted	04/15/1999	52	48	
(S) Scheduled for 3rd Reading	04/15/1999			
(S) Scheduled for 3rd Reading	04/15/1999			
(H) Scheduled for 2nd Reading	04/15/1999			
(S) 2nd Reading Conference Committee Report Adopted	04/14/1999	49	0	
(S) Scheduled for 2nd Reading	04/14/1999			
(S) Conference Committee Report Received	04/13/1999			
(H) Conference Committee Report Received	04/13/1999			(H) Conference
(S) Hearing	04/13/1999			(S) Conference
(H) Conference Committee Appointed	04/10/1999			(H) Conference
(S) Conference Committee Appointed	04/09/1999			
(S) Referred to Committee	04/09/1999			(S) Conference
(S) 2nd Reading House Amendments Not Concurred	04/08/1999	50	0	

(S) Scheduled for 2nd Reading	04/08/1999			
(C) Sent to Printing	04/01/1999			
(H) Returned to Senate with Amendments	04/01/1999			
(H) 3rd Reading Concurred	04/01/1999	83	17	
(H) Scheduled for 3rd Reading	04/01/1999			
(H) 2nd Reading Concurred as Amended	03/31/1999	77	23	
(H) Scheduled for 2nd Reading	03/31/1999			
(C) Sent to Printing	03/30/1999			
(H) Committee Report--Bill Concurred as Amended	03/30/1999			(H) Fish, Wildlife and Parks
(H) Committee Executive Action--Bill Concurred as Amended	03/30/1999	13	7	(H) Fish, Wildlife and Parks
(H) Taken from Table in Committee	03/30/1999			(H) Fish, Wildlife and Parks
(H) Tabled in Committee	03/25/1999			(H) Fish, Wildlife and Parks
(H) Hearing	03/18/1999			(H) Fish, Wildlife and Parks
(S) Revised Fiscal Note Printed	03/04/1999			
(S) Revised Fiscal Note Signed	03/03/1999			
(S) Revised Fiscal Note Received	03/02/1999			
(H) Referred to Committee	03/02/1999			(H) Fish, Wildlife and Parks
(H) First Reading	03/02/1999			
(S) Transmitted to House	02/24/1999			
(S) 3rd Reading Passed	02/24/1999	48	1	
(S) Scheduled for 3rd Reading	02/24/1999			
(S) Revised Fiscal Note Requested	02/23/1999			
(C) Sent to Printing	02/23/1999			
(S) 2nd Reading Passed as Amended	02/23/1999	49	0	
(S) Scheduled for 2nd Reading	02/23/1999			
(S) Committee Report--Bill Passed as Amended	02/20/1999			(S) Fish and Game
(S) Committee Executive Action--Bill Passed as Amended	02/20/1999	12	0	(S) Fish and Game
(S) Hearing	02/11/1999			(S) Fish and Game
(S) Fiscal Note Signed	02/05/1999			
(S) Fiscal Note Printed	02/05/1999			
(S) Fiscal Note Received	02/05/1999			
(C) Introduced Bill Text Available Electronically	01/29/1999			
(S) Fiscal Note Requested	01/29/1999			
(S) Referred to Committee	01/29/1999			(S) Fish and Game
(S) First Reading	01/29/1999			
(S) Introduced	01/29/1999			
(C) Draft Delivered to Requester	01/27/1999			
(C) Draft Ready for Delivery	01/25/1999			
(C) Draft in Assembly/Executive Director Review	01/25/1999			

(C) Draft in Final Drafter Review	01/25/1999			
(C) Bill Draft Text Available Electronically	01/25/1999			
(C) Draft in Input/Proofing	01/25/1999			
(C) Draft to Drafter/Edit Review (CAJ)	01/25/1999			
(C) Draft in Edit	01/22/1999			
(C) Draft in Legal Review	01/22/1999			
(C) Draft to Requester for Review	01/20/1999			
(C) Draft Back for Requester Changes	01/20/1999			
(C) Draft to Requester for Review	01/18/1999			
(C) Draft Back for Requester Changes	01/18/1999			
(C) Draft to Requester for Review	01/13/1999			
(C) Draft Back for Requester Changes	01/13/1999			
(C) Draft to Requester for Review	01/11/1999			
(C) Draft Taken Off Hold	01/11/1999			
(C) Draft On Hold	11/25/1998			
(C) Draft Request Received	11/16/1998			

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Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name	Mi
Requester	Swanson	Emily	
Drafter	Sternberg	Doug	
Primary Sponsor	Mesaros	Ken	

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Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
Professions and Occupations O-Z		Simple	PROO

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Additional Bill Information

Probable Fiscal Note: Yes
Preintroduction Required: N

Session Law Ch. Number: 543
DEADLINE
Category: General Bills
Transmittal Date: 02/24/1999
Return (with 2nd house amendments) Date: 04/01/1999

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Section Effective Dates

Section(s)	Effective Date	Date Qualified
Sections 2-9	30-APR-99	
Section 1	01-OCT-99	

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MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN KEN MESAROS**, on February 11, 1999 at 3:10 P.M., in Room 325 Capitol.

ROLL CALL

Members Present:

Sen. Ken Mesaros, Chairman (R)
Sen. Mike Taylor, Vice Chairman (R)
Sen. Tom A. Beck (R)
Sen. Al Bishop (R)
Sen. William Crismore (R)
Sen. Steve Doherty (D)
Sen. Pete Ekegren (R)
Sen. Jon Ellingson (D)
Sen. Eve Franklin (D)
Sen. Bea McCarthy (D)
Sen. Chuck Swysgood (R)
Sen. Jack Wells (R)

Members Excused: None.

Members Absent: None.

Staff Present: Leanne Kurtz, Legislative Branch
Adrienne Pillatzke, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SD 338, 2/11/1999; SD 339, 2/11/1999; SD 340, 2/11/1999; SD 341, 2/11/1999; SD 334, 2/11/1999; SD 335, 2/11/1999; SD 336, 2/11/1999; SD 337, 2/11/1999

Executive Action: None

CHAIRMAN KEN MESAROS announced the committee will first hear SB 338 and take under consideration the CI 75 implications, SB 339,

SB 340 and SB 341. SB 334 will be heard second and will take under consideration SB 335, SB 336, and SB 337.

VICE CHAIRMAN MIKE TAYLOR chaired the committee.

HEARING ON SB 338, SB 339, SB 340, SB 341

Sponsor: SENATOR KEN MESAROS, SD 25, CASCADE

Proponents: **Steve Roth, PL/PW Council**
Verle Rademacher, PL/PW Council
Darlyne Dascher, PL/PW Council
Dave Cole, PL/PW Council
Pat Graham, Fish Wildlife and Parks
Jean Johnson, MT Outfitters and Guides Association
John Blomquist, MT Stockgrowers' Association
David Dittloff, MT Wildlife Federation

Opponents: **Page Dringman, Attorney, Big Timber**
Tony Carroccia, Citizen

Opening Statement by Sponsor:

SENATOR KEN MESAROS, SD 25, CASCADE stated the main bills being heard today are from the recommendations from the Private Lands Public Wildlife Council.

He recapped the history behind this legislation. The Private Lands Public Wildlife Council worked by consensus and sought input from members of the public and interest groups. They developed and submitted recommendation to Governor Racicot in 1999. He listed what the recommendation would do. The council also proposed new rules to regulate net client hunter use expansion process. He stated the recommendations are the body of the bills to be presented today.

He talked about portions of the bill to the committee.

Proponents' Testimony:

Steve Roth, Private Lands Public Wildlife Council, asked the committee to consider the council's recommendations to the Governor as well as the information on block management supporting the council's recommendations. He submitted a letter from Lee Gustafson, **EXHIBIT(fis34a01).**

Verle Rademacher, Private Lands Public Wildlife Council, written testimony, **EXHIBIT(fis34a02).**

SENATOR SWYSGOOD asked why Page Dringman didn't get a response to the letter she wrote to the FWP Department. **Pat Graham** replied he would have to go back to the department to find out. State law prohibits the department to give out a list like the one Mrs. Dringman requested. She could come to the department and get the list.

SENATOR BECK referred to a lawsuit in Wyoming of a man who constructed a fence to block off game from getting on his property. He was later sued and forced to take the fence down. He asked how does the department balance the system between the private landowner and the public lands. **Pat Graham** responded the game is held in trust for all the people of the state of Montana regardless whether it occurs on private or public land. **SENATOR BECK** stated he participates in the program and thinks it is a great program.

{Tape : 1; Side : B; Approx. Time Counter : 18.5}

Closing by Sponsor:

SENATOR KEN MESAROS, SD 25, CASCADE, said the disagreements could be worked out. The program is very popular and has outgrown the budget demands and in order to accommodate the ones who want to enroll, they need to find more funding. The key elements to make the program work are communication, coordination, and cooperation.

HEARING ON SB 334, SB335, SB 336, SB 337

Sponsor: **SENATOR KEN MESAROS, SD 25, CASCADE**

Proponents: **Verle Rademacher, PL/PW Council**
Rita Orr, MT Board of Outfitters
Dave Cole, PL/PW Council
John Wilkenson, Rancher
Jean Johnson, MT Outfitters and Guides Association
Paul Roos, Outfitter
Kelly Flynn, Rancher
Robin Cunningham, Fishing Outfitters Assoc. of MT
David Dittloff, MT Wildlife Federation
Mike Simpson, Outfitter
Stan Fraiser, Citizen
Pat Graham, FWP
Jack Rich, MT Outfitters & Guides

Opponents: **Frank Thompson, Rancher**

Howard Bethal, Fishing Outfitters
Bridget Erickson, Outfitter
Allen Schallenberger, Citizen

Opening Statement by Sponsor:

SENATOR KEN MESAROS, SD 25, CASCADE recommended the committee to hear SB 334 as the main bill for discussion purposes along with SB 335, SB 336 and SB 337. He stated SB 334 is recommended by the Private Lands Public Wildlife Council and it has not had the opportunity for public review. There are some concerns with the outfitting industry. He explained portions of the bill.

{Tape : 1; Side : B; Approx. Time Counter : 25.5}

Proponents' Testimony:

Verle Rademacher, Private Lands Public Wildlife Council, written testimony, **EXHIBIT(fis34a09).**

Rita Orr, MT Board of Outfitters, written testimony, **EXHIBIT(fis34a10).**

Dave Cole, Private Lands Public Wildlife Council, written testimony, **EXHIBIT(fis34a11).**

{Tape : 2; Side : A; Approx. Time Counter : 0}

John Wilkenson, Rancher, stated he was on the original PL/PW subcommittee from Miles City. The main point of this bill is that it puts the burden of proof on the outfitter whether it is an existing outfitter or a new outfitter. Before, the board had to grant the expansion unless they could prove the outfitter was in violation. He referred to the bill where it explains this situation. He stated the bill address the Net Client Hunter Use. He discussed how to get more hunters to a Net Client Hunter Use. He discussed the provisions for the new outfitter and to slow the influx of the nonresident outfitter. He stated most of the bill effects the existing outfitter that wants to expand or the new outfitter.

Jean Johnson, MT Outfitters and Guides Association, said they are talking about people's business not their hobby or their sport. The association understands the public has a problem and a lot of the problem was fuel by information that the association believes was inaccurate. She stated the association supports the bill but had a number of amendments to propose. She said the bill states unless there is a preponderant of evidence supporting the

request, it is gone. She said the association doesn't agree with FWP sharing in fees that are not supported by an equal action on their part.

Paul Roos, Outfitter, stated SB 334 comes from a group that should exist and he hopes to continue to exist. He discussed the construction and changes of the board. He stated he is in favor of an effort to turn around and put it on the outfitter who wants to expand.

Kelly Flynn, Rancher, written testimony, **EXHIBIT(fis34a12)**.

Robin Cunningham, Fishing Outfitters Association of MT, written testimony, **EXHIBIT(fis34a13)**.

David Dittloff, MT Wildlife Federation, written testimony, **EXHIBIT(fis34a14)** and proposed amendments, **EXHIBIT(fis34a15)**.

Mike Simpson, Outfitter, stated he conducted a study which showed outfitters are leasing less land. He discussed the results of the study.

Stan Fraiser, Citizen, stated in his observation the hunting outfitters are interested in having no regulations and no controls. They are only interested in what is going to put money in their pockets. He believes the public has not been well represented on the Board.

Pat Graham, FWP, stated the department supports the recommendations of the Private Lands Public Wildlife Advisory Council. He said the increase of record keeping has contributed to the debate because of the inaccuracy and lack of information.

Jack Rich, Montana Outfitters and Guides Association, stated they support the bill but not without their amendments. He said the issue of the majority of outfitters on the Board is a drop dead issue.

{Tape : 2; Side : A; Approx. Time Counter : 31.5}

Opponents' Testimony:

Frank Thompson, Rancher, stated the outfitting business is a good clean issue. He said if they pass this bill they next will try to regulate the private landowner. He is against SB 334.

Howard Bethal, Fishing Outfitters and Guides Association of MT, written testimony, **EXHIBIT(fis34a16)**.

Bridget Erickson, Outfitter, stated the financial deterrence in terms of expansion. The deterrence will not deter large corporate outfitters. She discussed the move of outfitters in the future. She stated if the committee wants to control the lateral expansion of the industry they need to aim some effort towards out of state corporations or large corporate outfitters who are sponsoring 100 to 200 clients. She said outfitters do not own the land, landowners do. She stated that the Board make-up is not the problem, the standard they were given was the problem. She said there needs to be something done about net client hunting use.

Allen Schallenberger, Citizen, written letter, **EXHIBIT(fis34a17).**

{Tape : 2; Side : A; Approx. Time Counter : 41.1}

Questions from Committee Members and Responses: None.

Closing by Sponsor:

SENATOR KEN MESAROS, SD 25, CASCADE stated this is a difficult issue but must be addressed in this legislature. He discussed the problems opponents had on SB 334 and hope they can meet to discuss solutions.

Senate Bill No. 334 and related Senate Bills 335, 336 and 337

Statement by Verle Rademacher, member of the original Private Land/Public Wildlife Council and member of the present Private Land/Public Wildlife Council

Senator Mesaros, members of the Senate Fish and Game Committee, Ladies and Gentlemen:

Senate Bill No. 334 is an effort to clear up some grave problems experienced with the Board of Outfitters and their reluctance to carry out the original intent of what they were charged with under the provisions of HB 196, passed by the 1995 legislature.

The original PL/PW Council bargained with the outfitting industry for no net gain in outfitters, except for the applicants that had already applied for outfitting licenses, essentially capping the growth. No expansion was also part of the bargain, in return for guaranteed licenses for the outfitters to stabilize their industry. The variable price licenses have worked well, allowing outfitters to gain the clients they needed, with the set-aside at the higher price per license.

What is not working is the expansion of the private land outfitting industry horizontally, with the leasing of land and the closures throughout the state of large blocks of land through control of access. This led to the introduction of Initiative 136, which would have devastated the process which was arrived at through HB195 and HB196.

Senate Bill 334 is an attempt to regain some control through the legislative process over the outfitting industry and to give clearer guidelines to the Board of Outfitters in what their duties and proceedures are in carrying out the business of regulation. It has taken an Attorney General's opinion to get the Board of Outfitters' attention that they must carry out the duties of regulation that we originally agreed upon before the 1995 session.

Additionally, we find that the Board of Outfitters selection process is seriously flawed and needs revision. If you would please refer to the testimony of Dave Cole, the vice chair of this council, you will see the present election process. No other professional or occupational board has such cumbersome selection process.

Because the Board of Outfitters regulates its members who are actively using a public resource (fish, wildlife and birds) it needs public input on the use of that public resource. That is why the membership has been changed to better reflect public involvement in the process of outfitting for profit.

The makeup of this board, reflected in SB 334, is the original suggestion that I made to the council. It balances three outfitter members, two sportspersons, a landowner and a member of the public. I wish for you to contemplate that for a moment. This gives a preponderance of outfitting members, but gives the leavening of the sportspersons, a landowner (remember always Private Land/Public Wildlife) and a member of the public who is chosen by the Governor. This is the breath of fresh air that is needed.

SENATE FISH AND GAME
EXHIBIT NO. 9
DATE 2-11-99
BILL NO. SB 334

The PL/PW Council has adopted a number of new definitions to clarify language and useage in the sections of Montana Code dealing with outfitters. Please look closely at them. One in particular I wish to draw to your attention: Number 9 of 37-47-101, on Net Client Hunting Use or NCHU. NCHU is the definition that drives much of the language. Basically this is One Hunter, using the outfitter's service. That is one NCHU. Added together they make the total NCHU the outfitter is licensed for.

In the new section 6, we carefully set out the criteria for board evaluation of NCHU expansion requests. This is for protection of the public, the clients served and the landowners who lease land for outfitting. It gives a good outfitter a sound, basic, clear understanding of what he needs to do for expansion of his business. It gives the public chance for comment on expansions, and gives those who hunt an opportunity to know what is being done and to be able to comment on the proceedure.

I ask that you give SB 334 a do pass to clarify some items that we have been laboring on for the past few years, to maintain a system that can work and work well for the use of our wildlife heritage in Montana. The PL/PW Council desires resolutions of the past conflicts and the improvement of hunting opportunities for the sportspersons of Montana. Thank youi.

SENATE FISH AND GAME
EXHIBIT NO. 10
DATE 2-11-99
BILL NO. SB 334

Testimony re SB 334

Rita Orr, Public Member, Montana Board of Outfitters

Mr. Vice Chairman, members of the committee, for the record, my name is Rita Orr. I am the current public member on the Montana Board of Outfitters, and I'm representing them today.

We rise in support of Senate Bill 334, but it needs some fixing, so we request several amendments. Since the bill has two parts - 1) restructuring the board of outfitters and 2) adjusting what's called the Net Client Hunter Use process to curb hunting outfitter expansion under specific circumstances, let me address these separately and mention amendments for each part. I'll start with restructuring of the board.

The board of outfitters charge is a single task with four parts - qualifying outfitters and guides for licenses, setting standards for professional behavior, conducting disciplinary hearings, and administering regulations affecting the industry. The board currently consists of seven members: five outfitters representing licensees from the five Fish, Wildlife and Parks Commission districts, an FWP representative, and a public member, me. This bill would change the make-up to two hunting outfitters, one fishing outfitter, two sportspersons, a landowner, and a public member.

Like the other boards administered by the Dept. of Commerce, we qualify and regulate licensees to make hunting and fishing trips safe and enjoyable for the public they serve . *Unlike* other boards who typically serve resident Montanans, the public served by outfitters is mostly nonresident hunters and anglers. This difference is important. Recently, much has been said and printed about the board's responsibility to "protect" the resident public through regulation of outfitters. But, if the residents don't use outfitters, how much should the board's focus - and membership - shift to provide for their "protection," specifically, to protect their access to private land? Is there another issue at work here? As one person commented to the Private Lands, Public Wildlife Advisory Council when the council first made a recommendation to change the board,

"A restructuring might possibly appease some of the non-outfitter issues, but will it really help with the main charge - the regulation of the industry? Is this restructuring merely to provide for a

minority vote and an opportunity to "stir the pot" by interests not associated with the outfitting industry?" As a public member who's been on the board for five years, I wonder about this, too.

The Private Lands, Public Wildlife Advisory Council has recommended a restructuring of the board based on the following rationale:

"A Board of Outfitters with representation balanced between members of the industry and members of the public may be inclined to be more responsive to some issues of concern identified in public comments, particularly as they relate to industry enforcement issues."

When we looked at these comments, about 17 letters, we only found one that mentioned a specific enforcement issue: One person complained that a guide "who broke FWP rules should have his license revoked." This guide may well face charges of unprofessional conduct and suitable punishment once the board finishes an investigation. In this process, we follow the statutes and rules, guided by a board attorney and a department prosecuting attorney, helped by our executive director who also serves as a investigation coordinator, and use investigators and FWP wardens in the field, all paid at licensee expense. However, since we've had five attorneys, three executive directors and five investigators come and go in the last five years, boardmembers are concerned about continuity and quality of disciplinary cases. But I do know that, if there are sufficient grounds for discipline, the outfitter members on the board are harder on their peers than others might be, probably because they understand the industry, the rules, and consequences of poor professional behavior better than anyone else.

The rest of the letters used almost identical words to express general suspicion and discontent regarding board practices, but no specifics. As far as I could tell from the names, none of these individuals ever came to a board meeting, much less stayed through a complete 10-hour session. So I wonder how do they know so much about our board process. Could they be substituting opinion for fact? As one of our boardmembers put it, "I guess we're like Bigfoot - everyone knows all about us, but no one has ever seen us."

So, does a comment on a single incident with a guide and a collection of opinions about our intentions mean we have to rebuild the board? I don't think so. From my point of view, the bottom line

for this board, for any board, is the expertise, experience, and institutional history licensee representatives bring to the issues at hand. As Rep. Bruce Simon said in a speech to members from a variety of professional boards at a recent meeting, "You are the experts . . . certainly more expert than I."

Doesn't it make sense to have those who know the business and represent the industry sitting on the board that regulates their own profession? Just because someone hunts or fishes doesn't make them an expert in the outfitting service business any more than knowing how to make a bed or cook an egg means you can run a hotel. Public members may well bring a different perspective to board considerations - I know I have - but they shouldn't try to take over.

With all this in mind, we wonder if the board membership really needs to change all that much. And we wonder why the council asks for this change. Just because of the few comments presented? Or is it because some folks are mad about losing a statewide initiative and have put political pressure on the advisory council? I guess you'll have to judge that for yourselves. In any case, if you do see fit to change the board and add a sportsperson or a landowner, it should still have at least four outfitter members, not a public board with outfitters poorly represented. The outfitter associations may have amendments to offer on this subject.

As for hunting outfitter expansion, the 1995 legislature gave the board of outfitters the task of making rules to control expansion of hunting outfitters' clientele numbers if the expansion would cause "undue conflict" with other hunting uses of the area. Defining the term "undue conflict" and building rules to guard against it caused problems for the board from the get go. As Rep. Swanson commented right after HB 195 passed, "I don't know how you guys are going to do this." Still, we spent four years of long meetings dealing with this definition and those rules and made decisions that affect both licensees and landowners livelihood, trying to address sportsperson's issues. I guess the advisory council had trouble with the term, too, because they're backing a bill that takes the term "undue conflict" right out of the statutes. We wonder why we had to work so long on this, endured criticism for not "doing it right," and now face recommendations from a council that just yanked the troublesome term

from law and substituted vague criteria we'd already rejected.

Don't get me wrong. The board knows this expansion review process is an important step in resolving possible conflict between hunters, landowners, and outfitters. It's because we feel so strongly that we offer a series of amendments to correct what we see as technical and administrative difficulties in this bill. If this committee will consider and adopt our changes, we can start a renewed process, successfully complete the task, and move on to other issues facing the industry today.

I won't go into all of the details of the difficulties we see in this bill - they are noted in our proposed amendments - but, I will note briefly some specific problems we found:

1) A nonresident outfitter license fee of $5000 - the board doubts there is sufficient legal precedent to justify this change in statute. Regardless of the attraction this idea may have for resident outfitters and the public council recommending it, without correct legal underpinnings, the board, the Dept. of Commerce, and the State of Montana could be forced into a prolonged civil rights argument, with the majority of the money to pay for defense coming from increased outfitter and guide license fees.

2) Misunderstood or misinterpreted terms, board functions, regulations, or administrative procedures

3) An inappropriate fee structure that gives FWP more money than they need to do the work they're asked

These few amendments deserve review by the committee's legal counsel and your consideration. If you have specific questions now or during Executive Action, I recommend you direct them to the board of outfitters Chairman.

I'd like to finish up with a personal observation. Part of the reason we're here today is because the board was charged with failure to set specific criteria for acceptance or denial of expansion requests. And, now we have a process that allows FWP to submit an analysis of these requests based on criteria that have little quantitative foundation and, in the absence of hard data, states that the board SHALL ACCEPT "the professional recommendations" of FWP. If specific criteria and documented

numbers are important, this doesn't make sense. Why does the council want to use new criteria that may not work? Why wasn't the process sent out for public comment? What's the rush?

When the board made rules to deal with hunting outfitter expansion requests, we published the proposed rules, took what little specific, on-point public comment there was, and discussed possible changes based on those comments where current law allowed. But the advisory council made recommendations on the expansion review process with little or no public comment - and they admit it themselves. In the report the council submitted to the governor, they say,

"While the Council recognizes that this recommendation (to change the expansion criteria and judgement process) did not receive the full benefit of public input to the extent provided (the other recommendations), it is offered here as the Council's best effort to address (these) issues."

So what we're reviewing here today is a process and criteria developed without sufficient time or public input, then drafted to legislative form even before Governor Racicot reviewed the council's recommendations. What's going on?

One more thing. Part of the reason we have to offer corrective amendments now is because no outfitter board member was contacted about these recommendations. They were made by public members with little or no knowledge of outfitter rules who didn't even bother to call me, their fellow public member, to see what I thought of the recommendations. How come?

Like I said in the beginning, the board wants to fulfill their original charge and supports this bill, but this legislation needs help to get the job done. Please give our comments some thought, change the membership a little if you must, but pass this bill with amendments, and help us all - sportsmen, outfitters, the Council, and the board - get things right and address this issue with active solutions. Only then will the board be able to get back to the other 90% of the job we're supposed to do.

Thank you for the opportunity to clarify the board's position.

SENATE FISH AND GAME
EXHIBIT NO. 11
DATE 2-11-99
BILL NO. SB 334

Statement by Dave Cole, Vice-Chair of the Private Land - Public Wildlife Advisory Council regarding Senate Bill 334
Senate Fish and Game Committee
February 11, 1999

Last year, there was considerable controversy over the Board of Outfitters implementation of HB 196, which established policies for regulating the expansion of outfitter operations. The Council was concerned that the issue could undermine the overall compromises that had been established by the original PL-PW Council in 1995.

The Legislature's Administrative Code Committee held a hearing on the Board of Outfitters implementation of HB 196 in March, 1998. The Code Committee concluded that the Board had not followed the Legislature's mandate and directed the Board to adopt rules to control the expansion of outfitting operations as soon as possible. Recently, the Attorney General issued an opinion at the request of the Board of Outfitters and concurred with conclusion of the Code Committee -- that the Legislature's directions were sufficiently clear and that the Board had not complied with the law.

A widely held view of the Board is that it places a higher priority on protecting the livelihood of fellow outfitters than on its regulatory responsibilities under state law. For example, as the Board's attorney told the Administrative Code Committee, the Board was reluctant to dictate to an outfitter how large his business could grow or where he could operate. Of course, that was exactly the intent of the review process established by HB 196.

The Council concluded that one cause of the board's resistance to its Legislative charge and to public concern may be inadequate representation of broader public interests on the Board. In June, the Council tentatively recommended expanding the Board of Outfitters to a nine member board by adding a landowner who is not involved in outfitting or leasing to an outfitter and a sportsman representative, to provide a greater diversity of views. In addition, the PL-PW Council appointed a subcommittee consisting of Senator John Hertel, Verle Rademacher, and myself to consider the Board of Outfitter composition further.

Some of the outfitters who commented on the Council's original proposal to add two citizen members to the Board wanted to know what right the public had to be involved in regulating the outfitting industry at all. The similar question came up during the Administrative Code Committee hearing last March. Senator Doherty responded that unlike the other businesses regulated by the Department of

Commerce, outfitters earn their livelihood by exploiting a public resource, fish and wildlife. In addition, there is clearly a public interest in assuring ethical business practices to protect outfitter clients and that outfitters and their clients comply with state hunting and fishing regulations.

After looking into the issue further, our committee learned that the Board of Outfitters is largely accountable to the outfitting industry, alone. Currently, the Board of Outfitters is attached to the Department of Commerce for administrative purposes only. As with the other professional and occupational licensing boards, the Commerce Director has no authority over the Board of Outfitters.

Under current law, the seven member Board consists of:

- five outfitters, at least one of whom must be a fishing outfitter;
- an employee of the Department of Fish, Wildlife and Parks, and
- a member of the general public.

The five outfitter members each represent a district that is the same as that for the Fish, Wildlife and Parks Commissioners. Candidates for an outfitter vacancy on the Board are nominated by mailed ballots from outfitters within that district. The two nominees receiving the most votes are forwarded to the Governor for his selection.

According to Commerce staff, this is the most restrictive selection process of the more than three dozen professional or occupational licensing boards attached to the Department. We were told that at least once, Governor Stephens and Governor Racicot, were each provided only one individual to consider. The current appointment process clearly gives a Governor little opportunity to influence the prevailing philosophy of the Board of Outfitters or to assure a Board membership that is sensitive to the Legislature's and the public's concerns.

Commerce staff told us that the Governor would prefer a more open, statewide solicitation process similar to that used for other state boards and commissions: any person who meets the basic qualifications for the position may simply submit a resume and a letter describing their interest in serving.

The final recommendation proposed by the PL-PW Council for the Board of Outfitters membership, would include:

- a hunting outfitter who outfits primarily on public land,
- a hunting outfitter who outfits primarily on private land,
- a fishing outfitter,
- two sportspersons,
- a landowner who is not involved in any form of fee hunting, and
- one member from the general public.

The original PL-PW proposal would have added two citizen members to the Board, creating a nine member Board. Both the Department of Commerce and the Montana Outfitters and Guides Association urged us to keep the Board at seven members. They said that the additional two members would add substantially to the administrative cost without improving the effectiveness of the Board's decision making process.

Our proposal for Board of Outfitters membership would drop any geographic representation and would allow any Montana citizen who meets the membership requirement to be considered for appointment, comparable to other state boards and commissions.

This revised membership proposal would delete the representative of the Department of Fish, Wildlife and Parks from the Board. According to the Department, their function on the Board was to represent the interests of sportsmen. If sportsmen are appointed directly, this purpose is served and the Department could appoint an employee to serve as an on-going liaison to the Board to assure coordination.

You will hear from others today with different thoughts on the preferred composition of the Board membership. We understand that and view this as a starting point for legislative discussion. However, the PL-PW Council believes that both including additional non-outfitters on the Board and opening the selection process are absolutely vital.

We believe that allowing a greater diversity of viewpoints on the Board would go far to improve the effectiveness of the Board of Outfitters as a regulatory agency and the credibility of the outfitting industry as a whole. It also would seem more consistent with Montana's long standing traditions of open and responsive government. Thank you for your time.

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SENATE FISH AND GAME
EXHIBIT NO. 12
DATE 2-11-99
SB 334

February 11, 1999

Mr. Chairman, members of this committee, for the record my name is Kelly Flynn. I am a member of a five generation ranch family near Townsend. Today I come before you as a representative of the Montana Outfitter and Guides Association. I rise in support of SB 334 with amendments.

First, I would like to point out that this bill sparked a lot of controversy within the outfitter ranks. Certainly this bill , to some outfitters, is punitive and restrictive. There are other outfitters that have asked for higher fees than are proposed in the current bill. The criteria suggested under this bill will certainly slow growth in potential client numbers for outfitters operating on private lands.

The Governor's Council on Private Lands/ Public Wildlife is a great forum to work through problems and we support the efforts of this consensus council. They have brought forth a bill that, for the most part, has undergone public comments and scrutiny. We support legislation proposed to redouble the efforts to allow this council to cover the scope of the original council in 1993.

One portion of the bill did not have the scrutiny of the public and we support amendments brought forth in that regard.

Since the passage of HB 195 & 196, there has been close scrutiny of the industry. A moratorium on outfitters was passed in 1995. There are less hunting outfitters today than there were in 1995. A report to the Private Lands/Public Wildlife Council indicates that private land acreage leased to outfitters may have grown by 440,000 acres from 1995 to 1998. This is .08% of the private land acreage total in Montana. However,in actuality, no one knows the amount of private acreage outfitters are leasing in Montana. The records are duplicative, illegible, and inconclusive. It is imperative that we get an objective set of records. We support the legislation that will mandate better recordkeeping in the industry in order to provide more objective information.

Most importantly, the Montana Outfitters and Guides Association wants to convey a message. The best answer to any problem is the alternative that provides win-win solutions for landowners, sportsman, and outfitters. The Governor's Council on Private Lands/ Public Wildlife provides the opportunity for win-win solutions for all these groups for today, tomorrow, and the 21st Century.

On a personal aside, I would ask that this legislature and the Private Lands/Public Wildlife Council focus on , perhaps, the central part of the issue. The other day an article in the Helena Independent Record noted that in the past five years our numbers of fulltime ranchers & farmers has shrunk to less than 16,000 statewide. Just in the years, 1992-1997, 1,000,000 acres of land went out of agricultural production. Farmers & ranchers are desperate to survive and leasing land to outfitters, or sportsmen, or hunting clubs is, for some, their path for survival. Private landowners need to have additional incentives for opening up their private land for public hunting. Today's Block Management has provided one alternative, but I believe a concerted effort needs to be made to look for **additional compensation alternatives for landowners for their contributions of habitat for wildlife and for sportsmen**.

We support SB 334 with amendments. Thank you for your consideration.

Kelly & Jill Flynn
Box 233 • Townsend, MT 59644 • (406) 266-3322

SENATE FISH AND GAME
EXHIBIT NO. 13
DATE 2-11-99
BILL NO. SB 334

Testimony for **SB 334**
from the Fishing Outfitters Association of Montana

We support SB 334 with amendments regarding the restructuring of the Board of Outfitters. We do not agree that the board should be rebuilt with a narrow purpose in mind. And, we don't want fishing outfitter representation to be sacrificed over a hunting outfitter issue. Let me explain.

The Private Lands, Public Wildlife Advisory Council recommends a rebuild of the board of outfitters on the grounds of public comments. But, these comments don't serve as a justification for placing a public majority on the board. The arguments of the Board of Outfitter's representative are convincing to us.

More important from our point of view is the fact that the council's recommendation totally ignored fishing outfitters. Maybe because their title and charge is to deal with "private land" and "public wildlife," and the issues before them center on hunting outfitters, it was easy for the council to forget our interests. Without fishing outfitter representation on the council, this is easy to understand. But because it was easy doesn't make it right.

Fishing outfitters deserve equal representation on a board administering to their industry. Out of a total of 742 outfitters, 575 list fishing on their operations plan. Don't these people deserve more than one representative? FOAM has struggled long and hard to get equal representation on the board. We changed the original statutes to get at least ONE seat on the board. Now we have the chance to solidify our representation, our interests, and our issues at the board table, and we're going to give it our best shot . . . or cast, I guess.

Our amendment would change the make up of the board and bring equal outfitter representation to the board - two hunting outfitters and two fishing outfitters - by removing one sportsperson from the recommended board makeup in this bill.

This leaves a sportsperson, a landowner, and an at-large public member to represent public interests on the board. This increases public membership by 200%, surely enough for the council.

I can't tell you how frustrated I was to sit in Lewistown, listening to the final recommendations of the advisory council, then hear them say they wanted to reduce to an absolute minority the fishing outfitter representation on the board because of perceived problems in the hunting outfitter industry. We didn't have a fishing outfitter sitting on this council, we only followed the council's proceedings because we're outfitters, too, but I'm glad I was there that day to make it clear to the council that our association wouldn't stand for this treatment. And I'm here today to ask this committee to consider our request, to amend this bill in a way that brings equality to outfitter representation and still preserves the core of the council's recommendation to increase public representation in board decisions.

SENATE FISH AND GAME
EXHIBIT NO. 14
DATE 2-11-99
BILL NO SB 334

MONTANA WILDLIFE FEDERATION

Six decades of preserving our hunting, fishing, and wildlife heritage.

To: Senate Fish and Game Committee
From: David Dittloff, Montana Wildlife Federation
Subject: Senate Bill 334
Date: 2/11/99

Good afternoon. Chairman Mesoros and members of the committee. My name is David Dittloff, and I am here today representing the more than 7,500 sportsmen and women belonging to the Montana Wildlife Federation.

The Montana Wildlife Federation has been a long-time supporter of the Governor's Private Lands/Public Wildlife consensus committee. Since its inception, the PLPW committee has been integral in expanding public access to private lands, increasing opportunities for Montana's sportsmen and women, and improving sportsmen/landowner relationships across the state.

In particular, the PLPW committee should be complimented for evolving as issues in the state change. In recent years, increased private land leasing and the unchecked expansion of the outfitting industry have often cut off access to the state's wildlife resources and severely decreased hunting opportunities for Montana hunters. Access to nearly 8 million acres of prime habitat in Montana is now controlled by the outfitting industry. These trends have led to a situation where a privileged minority is gaining *de facto* ownership of our publicly-owned wildlife.

Senate Bill 334 is an attempt by the PLPW committee to address these alarming trends. It clarifies and tightens the rules regarding the expansion of the outfitting businesses, raises fees on outfitting businesses, and changes the structure of the Board of Outfitters. The bill is a response to the inefficiencies of the current Board of Outfitters and their inability to control the growth of the outfitting industry as was mandated by House Bill 196 in 1995.

As a whole, the Montana Wildlife Federation believes that control over the expansion of the outfitting industry is crucial if adequate hunting opportunities are to be maintained by resident sportsmen, and if trends toward the privatization of our publicly-owned wildlife are to be halted. We are therefore very supportive of the bill. The Federation commends the PLPW committee for their hard work and ingenuity.

P.O. Box 1175, Helena, Montana 59624 · tel: 406-449-7604 fax: 406-449-8946 · e-mail: mwf@desktop.org.internet

We believe that Senate Bill 334 would create more accountability for the Board of Outfitters, would help alleviate undue conflict between resident hunters and the outfitting industry, and would help place the financial burden of the administrative costs pertaining to the outfitting industry in the right place--on the outfitters themselves instead of public sportsmen and women.

However, the Federation would like to offer two changes to the bill. The first, we believe, involves a drafting oversight. The PLPW recommendations instituted a set of "absolute criteria" that an outfitter must meet in order to be granted an expansion request. However, within the bill these "absolute criteria" have been changed to passive criteria. In short, the phrase "shall not be granted" was changed in the bill to "may not be granted." The Federation feels that the intent of the PLPW consensus committee was to create "absolute criteria", and we request that the bill be amended to reflect the committee's intentions.

Our second proposed amendment involves the composition of the Board of Outfitters. The Montana Wildlife Federation believes that representation on the Board of Outfitters should reflect the demographics of the state and the fact that the public owns the wildlife resource used by outfitters. The bill does reduce the number of outfitters and increase the number of sportspersons on the Board of Outfitters. This is an improvement. However, the Federation strongly believes that the **majority** of the board should **not** have ties to the outfitting industry. The bill's changes would not assure this. We request that the bill be amended to make sure that the at-large member of the public has shown a commitment to public resource conservation that equitably benefits all citizens, not to include commercial activities.

Thank you for the opportunity to comment.

SENATE FISH AND GAME
EXHIBIT NO. 15
DATE 2-11-99
BILL NO. SB 334

Suggested Amendments to Senate Bill 334

Amendment 1

Page 6 - Line 24

Strike "may"

Insert must

Page 6 - Line 27

Strike "may"

Insert must

Amendment 2

Page 2 - Line 13

After "public"

Insert who has shown a commitment to public resource conservation that equitably benefits all citizens, not to include commercial activities.

SENATE FISH AND GAME
EXHIBIT NO. 17
DATE 2-11-99
BILL NO. SB 334

Allen Schallenberger
53 Elser Lane
Sheridan, MT 59749-9604
406-842-5134
Feb. 9, 1999

Senator Ken Mesaros
Chairman Senate Fish and Game Committee
Capitol Station
Helena, MT 59620

Dear Chairman Mesaros:

I am writing in opposition to your bill SB 334 and ask that my letter be provided to all the committee members and be made part of the record.

As I understand it most of this bill came from recommendations by the Governor's Advisory Board on Private Lands and Public Wildlife. That Board poorly represented my interests.

The present Board of Outfitters was created to represent the clients of outfitters in problems with outfitters and guides. The present process provides a democratic method for choosing the members and outfitters can vote against outfitters that have poor qualifications. There are presently 575 outfitters in the state who do some fishing out of a total of 742. Of the 575, 191 are active in fishing only activities. Outfitters who fish provide over 75 per cent of the fees for operation of the Board of Outfitters. Why would you limit us to one token representative on the Board for the entire state? Of interest perhaps is the fact that hunting outfitter complaints are in a 7/1 ratio to those of fishing outfitters.

It appears that the new Board structure is designed to drive outfitters out of business and may do nothing to protect their clients. What is the definition of a sportsperson? Is it possible that golfers and bowlers and persons who oppose hunting and fishing will make future board decisions? Under Section 3 item 5d it says comments from hunters and sportspersons in the affected area must be considered. I am a native of Montana, have hunted and fished here for 50 years, am an experienced former wildlife research and management biologist, cattle rancher and present outfitter and gift products manufacturer. I read hundreds of books and magazines each year. I don't know what a sportsperson is. My computer underlines the word in red. When a board deals with the business of providing hunting and fishing services, wouldn't it be smart to have a knowledgeable hunter and a knowledgeable angler on the board rather than two sportspersons of doubtful capability? I think one additional fishing outfitter should get the seat proposed for the member of the general public. To be fair, the landowner slot should be rotated between people who lease to outfitters and ones who don't. We want smart people with varied experience on the board.

Section 4 does not stress the Board should live within its income. It says fees shall be commensurate with costs.

Section 6 sets new standards for changing NCHU. Item 6 says that in the absence of data for the required criteria the Board will accept the recommendations of the Fish, Wildlife and Parks Dept. That Dept. is constantly in trouble for using the WAG method for decisions. It would be poor policy to force this on the Board of Outfitters also.

One of the main reasons for movement of outfitters throughout the state, is the problem of trying to find fish and wildlife for clients. Much of the problem relates to mismanagement and lack of field research by the FWP Dept. Although we pay considerable license fees in SW Montana we have very few upland game birds, antelope, mule deer and white-tailed deer compared to the recent past. Practically all the big game effort is with elk and bird license fees are shipped to Regions Four through Seven for pheasants. We have hundreds of miles of major rivers, which have declined to very poor fishing. The entire Jefferson and 50 miles of the Beaverhead are examples.

The $5,000.00 fine for having a camp more than 100 miles from the base headquarters or in another FWP Region is something that could be expected in a third world or communist country. Those regions were set up for bureaucrats not business management! I have lived in five regions and worked in all seven. It appears that outfitters living in the middle of big regions are okay if they have any fish and wildlife available. It appears persons living on the boundaries of two or more regions or in one of the smaller regions could be forced out of business. If your usual motel goes out of business or burns down are you out of business? If the ranch your camp is on is sold to Ted Turner, do you quit outfitting? Ted will charge his usual $9,500.00 for a 4 ½ day hunt.

In the past I have provided a considerable number of days of free services for Montana residents. One of the five recent lawyers for the Board told me that outfitters must charge a fee. We need smarter lawyers.

I understand the financial bind that ranchers are in at present because of my own ranching experience. Displacing outfitters from the land and water will not open more property for the non-paying public. For example one of the largest lock-ups of private property in Montana is on going. A person recently arrived from Colorado nationally advertises private access for fishing and hunting on 35 ranches and 140 miles of Montana rivers. He is in the cabin, real estate, ranch management, recreation management, etc. rackets. I believe the only license he may have is a property manager's license, which was recently obtained. Trying to manage private business with public laws usually fails. Please read the excellent book The Death of Common Sense by Philip Howard.

Kill this lousy bill. Enclosed find copies of my letter for all committee members. Thank you for the opportunity to participate in the legislative process.

Sincerely,

Allen Schallenberger

Ps. What will be the next business managed on FWP Administrative District boundaries? Will Senator Beck in Region Two have to pay a $5,000.00 penalty for purchasing cattle from my friend Jay Barnosky in Region 3? If Senator Swysgood hauls them will he also have to pay a $5,000.00 fine for crossing the Region boundary at 75 mph in his truck?

The Board of Outfitters would function more efficiently if it did not have the great turn over in personnel. It has had four executive directors, 5 lawyers and 5 new investigators in the last five years. What is the problem?

MONTANA SENATE
1999 LEGISLATURE
FISH AND GAME COMMITTEE

ROLL CALL DATE 2-11-99

NAME	PRESENT	ABSENT	EXCUSED
SEN. TOM BECK	X		
SEN. AL BISHOP	X		
SEN. WM. CRISMORE	X		
SEN. STEVE DOHERTY	X		
SEN. PETE EKEGREN	X		
SEN. JON ELLINGSON	X		
SEN. EVE FRANKLIN	X		
SEN. BEA MC CARTHY	X		
SEN. CHUCK SWYSGOOD	X		
SEN. JACK WELLS	X		
SEN. MIKE TAYLOR, VICE CHAIRMAN	X		
SEN. KEN MESAROS, CHAIRMAN	X		

MONTANA STATE SENATE

+++++ WITNESS STATEMENT +++++

NAME Frank C. Thompson

ADDRESS 4945 South F trail

HOME PHONE: 235 4396 **WORK PHONE:** _____

REPRESENTING Self

APPEARING ON WHICH PROPOSAL ? SB 334 335 336

DO YOU: **SUPPORT**_____ **OPPOSE** X **AMEND**_____

COMMENTS:

We need industries in the State and this Bill will kill some of our good people who operate as Outfitters!

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2.11.99

SENATE COMMITTEE ON Fish + Game

BILLS BEING HEARD TODAY: SB 338, SB 339, SB340, SB341, SB 334, SB 335, SB336, SB337

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Pat Graham		FWP	334 338	✓ ✓	✗
Paul Ellis		Self	334 338	✓ ✓	
Michele Lawrence		self	338	✓ w/ amend	
Pat Drinan			338	✓ w/	amend
Rob Arnaud		Self	338	✓ with amendments	
Monty Dobson		Self	338	✓	
Rita M. Clark		Montana Board of Outfitters	334	w/ Amendments	
Mike Lapsin		Self	334	w/ amend	
Frank C. Thompson		Self	334 335		✓
~~Howard Bethel~~		FISHING OUTFITTERS	334		
Paul Ellis		OUTFITTING	334-338		
~~Robin Cunningham~~		~~FISHING OUTFITTERS ASSN. OF MONTANA~~	~~334~~	✓ ~~AMEND~~	
Sherry Cargill		Self / Jeff Bd Commiss.	334 338	w/ Amend	
John Blamont		MT. Stockgrowers	334 335	✓	✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2.11.99

SENATE COMMITTEE ON Fish & Game

BILLS BEING HEARD TODAY: SB 338, SB 339, SB 340, SB 341, SB 334, SB 335, SB 336, SB 337

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
ROBIN CUNNINGHAM	763-5436	FISHING OUTFITTERS ASS'N OF MONTANA	SB 334	X AMEND	
R. Perry ESKRIDGE	444-3737	MT Board of Outfitters	SB 334	X	
Kelly Flynn	266-3322	[illegible]	SB 334 SB 338	X amend X	
Tony CARROCCIA	537-4591	Self	SB 338	Amend	
Verle L. Rademacher	547-3831	PL/PW Council	SB 338 SB 334	X	
DARLYNE DASCHER	485-2522	PL/PW COUNCIL	SB 338 SB 334	X	
Steve Roth	3782292	11	SB 338 SB 334	X	
Bridgit Erickson	362-3070	Self	SB 334	Amend	
Shane Erickson	362-3070	self - outfitter PL - PW Council	338	Amend	
Dave Cole	458-6240		334 letter 338	X	
JACK Rich	677-2317	Self Mont Outfitters & Guides	334	X Amend -	
John Wilkinson	232-4910	Self PL/PW	338 334	X	
Al PW Charles	444-3794	FWP	SB 336 SB 334	—	
David Bittloff		MT Wildlife Federation	334 338	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

LEGISLATIVE TAPE LOG

COMMITTEE: Fish & Game Senate

DATE: 2.11.99

MINUTES	CONTENT NOTES
0.0	Meeting called to order by Chairman Mesaros Senator Taylor chairs hearings
1.7	Hearing opens SB 338, SB 339, SB 340, SB 341 Sponsor opens SB 338 (Sen. Mesaros)
11.4	Proponents' Testimony: Steve Both, PL/PW Council, entered exhibit #1 Verle Rademacher, PL/PW Council, written testimony exhibit #2
	Darlyne Bascher, PL/PW Council Dave Cole, PL/PW Council, written testimony, exhibit #3 Pat Graham, FWP, written testimony, exhibit #4 packet, exhibit #9
	Jean Johnson, MT Outfitters & Guides Association John Bloomquist, MT Stockgrowers' Association David Ditthoff, MT Wildlife Federation • written testimony, exhibit #6 • proposed amendments, exhibit #7
39.0	Opponents' Testimony: Page Dringman, Attorney Tony Carroccia, Rancher, written testimony, exhibit #8
0.0	Tape 1 Side B
2.5	Questions from Committee: Senator Swysgood - Page Dringman Senator Swysgood - Verle Rademacher
	Senator Swysgood - Verle Rademacher Senator Swysgood - Verle Rademacher

LEGISLATIVE TAPE LOG

COMMITTEE: Fish + Game Senate

DATE: 2-11-99

MINUTES	CONTENT NOTES
	Questions from Committee cont.
	Senator Beck - David Ditthoff - Senator Beck
	Senator Doherty - Mr. Roth
	Senator Doherty - Pat Graham
	Senator Bishop - Mr. Graham
	Senator Bishop - Page Dringman
	Senator Doherty - Pat Graham
	Senator Taylor - Tony Carroccia
	Senator Swysgood - Pat Graham
	Senator Beck - Pat Graham - Senator Beck
18.5	Senator Mesaros closes SB 338
19.9	Hearing opens for SB 334
	Sponsor Senator Mesaros open SB 334
25.5	Proponents' Testimony:
	• Verle Pademacher, PL/PW Council, written testimony exhibit #9
	• Rita Orr, MT Board of Outfitters, written testimony exhibit # 10
	• Dave Cole, PL/PW Council, written testimony exhibit # 11
0.0	Tape 2 Side A
	• John Wilkenson, Rancher
	• Jean Johnson, MT Outfitters + Guides Assoc.
	• Paul Roos, Outfitter
	• Kelly Flynn, Rancher, written testimony exhibit # 12

LEGISLATIVE TAPE LOG

COMMITTEE: Fish + Game Senate

DATE: 2-11-99

MINUTES	CONTENT NOTES
	Proponents' Testimony cont · Robin Cunningham, Fishing Outfitters Assoc. of MT · written testimony, exhibit # 13
	· David Ditthoff, MT Wildlife Federation · written testimony, exhibit # 14 · proposed amendments, exhibit # 15
	· Mike Simpson, Outfitter · Stan Frasier, Citizen · Pat Graham, FWP
	· Jack Rich, MT Outfitters + Guides Association
31.5	Opponents' Testimony · Frank Thomas, Rancher · Howard Bethel, Fishing Outfitters + Guides Assoc. of MT · written testimony, exhibit # 16
	· Bridget Erickson, Outfitter · Allen Schallenberger, written letter, exhibit # 17
41.1	Questions from Committee: None Sponsor Senator Mesaros closes SB 334
5:30	Meeting adjourned

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN KEN MESAROS**, on February 18, 1999 at 3:15 P.M., in Room 402 Capitol.

ROLL CALL

Members Present:

Sen. Ken Mesaros, Chairman (R)
Sen. Mike Taylor, Vice Chairman (R)
Sen. Tom A. Beck (R)
Sen. Al Bishop (R)
Sen. William Crismore (R)
Sen. Steve Doherty (D)
Sen. Pete Ekegren (R)
Sen. Jon Ellingson (D)
Sen. Eve Franklin (D)
Sen. Bea McCarthy (D)
Sen. Chuck Swysgood (R)
Sen. Jack Wells (R)

Members Excused: None.

Members Absent: None.

Staff Present: Leanne Kurtz, Legislative Branch
Adrienne Pillatzke, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: None., 2/18/1999
Executive Action: SB 329; SB 334; SB 335; SB 336; SB 337; SB 338; SB 339; SB 340; SB 341; SB 445; SB 458; SB 418

EXECUTIVE ACTION ON SB 329

Motion: **SEN. ELLINGSON** moved that **AMENDMENT DO PASS.**

Discussion:

SENATOR ELLINGSON entered and explained amendment, **EXHIBIT(fis40a01).**

SENATOR MCCARTHY complimented Senator Ellingson for giving a full year for the merchants to be aware of what is going on and that is positive in their favor.

SENATOR SWYSGOOD thanked Senator Ellingson for addressing the concerns of his and Senator Taylor. He knows it was difficult.

Vote: Motion **carried unanimously. 12-0.**

Motion/Vote: SEN. ELLINGSON moved that **SB 329 DO PASS AS AMENDED. Motion carried unanimously.**

{Tape : 1; Side : A; Approx. Time Counter : 5.7}

EXECUTIVE ACTION ON SB 334

Motion: SEN. MESAROS moved that **AMENDMENTS BE ADOPTED.**

Discussion:

Leanne Kurtz stated there were two separate amendments for SB 334 and the amendments for SB 335, SB 336, and SB 337 are included in the packet.

SENATOR MESAROS entered and explained the packet of amendments, **EXHIBIT(fis40a02).** He stated after the hearing for SB 334 the Private Lands Public Wildlife Council, everybody who had amendments, and interested parties convened and came up with a consensus agreement. He believes there is a consensus agreement with the make up of the board of outfitting. He listed the consensus of amendments.

SENATOR CRISMORE referred to amendment SB033404.alk, #2 and asked if it would be a problem after the "and" and the "(c)" to make it big game hunting outfitting businesses. He said that would put it to an outfitter that is engaged in it rather than somebody that might be in fishing or bird hunting.

SENATOR BECK said he would agree. He would like to see it for big game.

SENATOR SWYSGOOD said they already got one hunting outfitter and one fishing outfitter and this is going to add another hunting

outfitter. He said the bill reads "two outfitters who are engaged in fishing and hunting right now".

SENATOR BECK said he doesn't want the outfitter to be engaged in fishing and bird hunting. He wants them to be engaged in fishing and big game hunting.

SENATOR MESAROS reminded the committee that this change was not agreed upon in the consensus meeting.

SENATOR BECK asked if the committee was aware that there are a lot of hunting outfitters out there that would be birds or whatever, isn't the intent of the bill to be for the guides that most of them will be fishing and big game hunting. **SENATOR SWYSGOOD** asked what is wrong with the other ones. **Allen Charles** said the committee was trying to ensure there was equal balance between hunting and fishing interest on the board with a clear recognition that many of the expansions that are currently occurring do involve bird hunting. He said it is a key issue that is not addressed in previous legislation. The committee focused more on making sure there was a nomination process in place to allow people to nominate the best people for the job. He does not think it was specific to big game hunting but rather to balance between hunting and fishing interest.

SENATOR BECK said as it reads now, you could have two fishing and bird hunting people on the board and totally bypass big game. **Allen Charles** replied not with the balance of the board where there is hunting only, fishing only and a combination. He said the key is to ensure the people are appointed that can represent the hunting issues and the fishing issues. **SENATOR BECK** said the hunting outfitter it doesn't say big game hunting there either, it could be a bird hunter.

SENATOR WELLS said if the department is worried that you are not going to get a big game at all then maybe you need to hear where it has been suggested or you need it in subparagraph "a" under #2 where it says "one hunting outfitter". He said somewhere it needs to specify big game and take the big game out of the fishing and hunting paragraph. **Allen Charles** said that would capture the committee's intent.

Substitute Motion/Vote: **SEN. BECK** made a substitute motion that **TO ADD ONE BIG GAME OUTFITTER INTO THE BILL BE ADOPTED. Substitute motion carried unanimously.**

Vote: Motion that **AMENDMENT SB033404.alk BE ADOPTED carried unanimously.**

Motion: **SEN. MESAROS** moved that **AMENDMENT SB033402.alk BE ADOPTED.**

{Tape : 1; Side : A; Approx. Time Counter : 20.3}

Discussion:

SENATOR WELLS asked if #8 is where $5,000 was taken out for the nonresident hunting outfitter. He wants to know what that is saying. **SENATOR SWYSGOOD** thinks it is saying they are taking the $5,000 fee out and whatever the fee in that state that is applied to the Montana outfitter would apply to the nonresident outfitter.

Vote: Motion **carried unanimously.**

Motion/Vote: **SEN. MESAROS** moved that **AMENDMENT SB033501.alk BE ADOPTED. Motion carried unanimously.**

Motion/Vote: **SEN. MESAROS** moved that **AMENDMENT SB033601.alk BE ADOPTED. Motion carried unanimously.**

Motion/Vote: **SEN. MESAROS** moved that **SB 334 DO PASS AS AMENDED. Motion carried unanimously.**

EXECUTIVE ACTION ON SB 335, SB 336 AND SB 337

Motion: **SEN. BECK** moved that **SB 335, SB 336 AND SB 337 DO PASS AS AMENDED.**

Discussion:
SENATOR SWYSGOOD asked if there is anything in the bills since the fee was removed from the out-of-state that has to be addressed in one of the bills. **SENATOR MESAROS** believes it was taken care of in the amendments. **Leanne Kurtz** stated since it was a nonresident fee, it doesn't have to go to the voters.

Vote: Motion **carried unanimously.**

EXECUTIVE ACTION ON SB 338

{Tape : 1; Side : A; Approx. Time Counter : 26.2}

Leanne Kurtz entered packet of amendments, **EXHIBIT(fis40a03).**

SENATE FISH AND GAME
EXHIBIT NO. 2
DATE 2-18-99
BILL NO. SB334

SB 334 - Amendments
Executive Action - February 18, 1999

Board of Outfitters Composition

Original Recommendation: 7-member board consisting of *3 outfitters* (1 public land hunting/1 private land hunting/1 fishing), *1 landowner, 2 sportspersons,* and *1 public at large.*

Amended Recommendation: 7-member board consisting of *4 outfitters* (1 hunting/1 fishing/ 2 fishing & hunting), *2 sportspersons,* and *1 public at large.*

A 5-member sub-committee, consisting of *2 outfitters involved in hunting, 2 sportsperson, and 1 public at large member,* would review requests for Net Client Hunting Use Expansions and make recommendations regarding approval or disapproval to the entire Board, which would then take final action on the request.

Consensus Amendments

1. Title: specifies that new fees will be allocated as specified.

2. The system used for appointment to the Board of Outfitters changes from nominees being elected by outfitters to nominations being submitted to the Governor by interested persons.

3. Clarifies that the definition applies to base of operations camps used during hunting season.

4. Removes "1988" as the beginning date for establishing NCHU, allowing for any documented use, to accommodate outfitters who have been inactive or have not ever established NCHU.

5&6. Specifies that the Board of Outfitters will develop, in collaboration with Fish, Wildlife, & Parks and the Private Land/Public Wildlife Council, information that is necessary to evaluate the effectiveness of the hunting access enhancement programs.

7. Deletes the section that states records will "meet the standards of the legislative auditor" because no such standards exist. Instead, an actual legislative audit will determine whether records fulfill audit requirements.

8. Deletes the $5,000 nonresident outfitter fee; restores current language that makes nonresident license fees commensurate with fees charged by the outfitter's resident state; extends rules and regulations that apply to a resident outfitter to a nonresident outfitter, except that a nonresident outfitter is not eligible to sponsor hunters for the outfitter-sponsored variable-priced licenses.

9. Clarifies that NCHU transfers with an operations plan. Licenses do not transfer.

10. Clarifies that a newly-licensed outfitter establishing a new business will establish NCHU in the same manner as an outfitter requesting NCHU expansion, but that a newly-licensed outfitter who purchases an existing outfitting business shall acquire the NCHU of that business when the operations plan transfers.

11. Clarifies that, for any NCHU expansion approved after March 1, 1996, the outfitter shall have 3 years from the date of the expansion approval order to establish actual NCHU, based upon the most clients actually-served in any one of those three years.

12. Clarifies that operations plans transfer, not licenses.

13. Specifies that clients actually SERVED are what constitute NCHU after 3 years.

14. Strikes the section requiring public land outfitters to establish NCHU. Current rules limit public land outfitters to establishing use based upon the rules of the agency managing the lands upon which they outfit.

15. Attaches a 3-year limitation to the criteria specifying violation of FWP regulations.

16. Strikes "incomplete" from the criteria specifying information required in the request.

17. Specifies that this applies to "current" efforts of FWP to manage area wildlife.

18. Specifies that wildlife trend data must be documented.

19. Specifies that past conflicts must be substantiated.

20 & 21. Adds the term "local" to the geographical area being affected.

22. Strikes a section that was redundant with a preceding section (p.7, line 22&23).

23. Defines what is meant by "public right of way." Amended language is specific to public rights of way that are either dedicated roads such as county roads or forest service roads, or rights of way with historical public use that have been established as legal public rights of way.

24. Clarifies that the new fees apply only to outfitters providing hunting services.

25. Clarifies that this fee applies only to hunting camps.

26. Exempts certain camps from this fee; adds camps on corporate timberlands where public access is not restricted (Plum Creek) to this list.

27& 28. Clarify the fee allocation schedule, to fund added administrative costs:

a) the $10 fee is split equally between FWP and Board of Outfitters;
b) the $500 fee is split only to the extent that FWP administrative fees are not covered by fees in a) above;
c) the $5,000 camp fee is allocated to the Board of outfitters.

Amendments to Senate Bill No. 334
1st Reading Copy
"CONSENSUS AMENDMENTS"

Requested by Senator Ken Mesaros

For the Senate Fish and Game Committee

Prepared by Leanne Kurtz
February 13, 1999

1. Title, line 9.
Following: "FEES;"
Insert: "PROVIDING FOR ALLOCATION OF THE REVENUE GENERATED BY THE FEES;"

2. Page 2, line 15.
Strike: "elected"
Insert: "appointed"

3. Page 2, line 28.
Following: "staff"
Insert: "during the hunting season"

4. Page 3, line 14.
Following: the first "any"
Insert: "NCHU"
Strike: "since 1988"

5. Page 5, line 2.
Following: "board"
Insert: "and developed in collaboration with the department of fish, wildlife, and parks or the review committee established in 87-1-269,"

6. Page 5, lines 3 through 5.
Strike: "," on line 3 through "parks" on line 5

7. Page 5, lines 8 and 9.
Strike: "that" on line 8 through "and" on line 9

8. Page 5, lines 18 through 20.
Following: ":" on line 18
Insert: "If a nonresident license applicant resides in a state that requires residents of the state of Montana to pay in excess of the amount established by the board for a similar license, then the fee for the nonresident outfitter's, guide's, or professional guide's license must be the same amount as the higher fee charged in the state where the nonresident license applicant resides."
Strike: "shall" on line 18 through "outfitters" on line 20
Insert: "is subject to the same rules and regulations that apply to a resident hunting outfitter, except that a nonresident hunting outfitter is not eligible to sponsor hunters for the Class B-10 and Class B-11 licenses, as provided in 87-2-511."

9. Page 5, line 26.
Strike: "**license**"
Insert: "operations plan"

10. Page 5, line 28.
Following: "expansion"
Insert: "unless the newly licensed outfitter is purchasing the business of an existing outfitter"

11. Page 5, line 30.
Strike: "If an"
Insert: "For any"
Strike: "is"
Following: "board"
Insert: "after March 1, 1996"
Following: "years"
Insert: "from the date of the expansion approval"

12. Page 6, line 12.

Strike: "license"
Insert: "operations plan"

13. Page 6, line 14.
Following: "clients"
Insert: "served"

14. Page 6, line 16 through line 19.
Strike: subsection 6 in its entirety

15. Page 7, line 2.
Following: "regulations"
Insert: "in the last 3 years"

16. Page 7, line 3.
Strike: the first ","
Insert: "or"
Strike: ", or incomplete"

17. Page 7, line 8.
Following: the second "the"
Insert: "current"

18. Page 7, line 27.
Following: "given"
Insert: "documented"

19. Page 8, line 1.
Following: "past"
Insert: "substantiated"

20. Page 8, line 2.
Following: the first "the"
Insert: "local"

21. Page 8, line 8.
Following: "the"
Insert: "local"

22. Page 8, line 12 through line 14.
Strike: "In" on line 12 through "." on line 14

23. Page 8.
Following: line 21
Insert: "(8) For the purposes of this section, "right-of-way" means any public interest in or use of real property for purposes of recreation or for gaining access to other real property for purposes of recreation."

24. Page 8, line 24.
Following: "37-47-306"
Insert: "for an outfitter providing hunting services"

25. Page 8, line 29.
Following: "operates"
Insert: "hunting"

26. Page 9, line 2 through line 4.
Following: the second "the"
Strike: "outfitter's" on line 2 through "policies" on line 4
Insert: "following:
(a) an outfitter's base of operations camp;
(b) camps established before October 1, 1999;
(c) camps established on public land when use is directly regulated by public land-use policies; or
(d) camps on corporate timberlands where public access is not restricted"

27. Page 9, line 5.
Strike: "allocated" through the second "be"

28. Page 9, line 8.

Following: "chapter"
Insert: "The fees collected must be allocated as follows:

(a) Revenue generated by the $10 fee imposed in subsection (1)(a) must be split equally between the board and the department of fish, wildlife, and parks.

(b) Revenue generated by the the $500 fee imposed in subsection (1)(b) must be allocated between the board and the department of fish, wildlife, and parks in the following order:

(i) the amount necessary to cover the department's administrative expenses that exceed the revenue generated by subsection (2)(a); and

(ii) the remaining amount to be deposited in the state special revenue fund to the credit of the board.

(c) Revenue generated by the $5,000 fee imposed in subsection (1)(c) must be deposited in the state special revenue fund to the credit of the board."

- END -

Amendments to Senate Bill No. 334
1st Reading Copy

Requested by Senator Ken Mesaros

For the Senate Fish and Game Committee

Prepared by Leanne Kurtz
February 16, 1999

1. Page 1, line 29.
Strike: "(a)"
Following: "of"
Insert: "the following"
Strike: "."
Insert: ":"

2. Page 1, line 30 through page 2, line 13.
Strike: subsections (b) and (c) in their entirety
Insert: "(a) one hunting outfitter;

(b) one fishing outfitter;

(c) two outfitters who are engaged in the fishing and hunting outfitting business;

(d) two sportspersons; and

(e) one member of the general public.

(3) (a) A subcommittee composed of five members of the board shall review net client hunter use expansion requests as provided in [section 5], based on the criteria provided in [section 6], and report its determinations to the full board. A favorable vote of at least a majority of all members of the board is required to adopt any resolution, motion, or other decision.

(b) The subcommittee must consist of the two hunting outfitters, the two sportspersons, and the one member of the public serving on the board pursuant to subsection (2)."
Renumber: subsequent subsections

- END -

Amendments to Senate Bill No. 335
1st Reading Copy

Requested by Senator Ken Mesaros

For the Senate Fish and Game Committee

Prepared by Leanne Kurtz
February 11, 1999

1. Title, line 4.
Following: the second "A"
Insert: "HUNTING"

2. Title, line 8 through line 9.
Strike: the first "FOR" on line 8 through "POLICIES" on line 9
Insert: "; PROVIDING EXCEPTIONS"

3. Page 1, line 15.
Following: "operates"
Insert: "hunting"

4. Page 1, line 19 through line 20.
Following: the first "the" on line 19
Strike: "outfitter's" on line 19 through "policies" on line 20
Insert: "following:
(1) an outfitter's base of operations camp;
(2) camps established before October 1, 1999;
(3) camps established on public land when use is directly regulated by public land-use policies; or
(4) camps on corporate timberlands where public access is not restricted"

- END -

Amendments to Senate Bill No. 336
1st Reading Copy

Requested by Senator Ken Mesaros

For the Senate Fish and Game Committee

Prepared by Leanne Kurtz
February 11, 1999

1. Title, line 4 through line 5.
Strike: "SERVED" on line 4 through "LAND" on line 5
Insert: "ADDED TO AN OUTFITTER'S OPERATIONS PLAN THROUGH A GRANTED NET CLIENT HUNTER USE EXPANSION"

- END -

MONTANA SENATE
1999 LEGISLATURE
FISH AND GAME COMMITTEE

ROLL CALL DATE 2-18-99

NAME	PRESENT	ABSENT	EXCUSED
SEN. TOM BECK	X		
SEN. AL BISHOP	X		
SEN. WM. CRISMORE	X		
SEN. STEVE DOHERTY	X		
SEN. PETE EKEGREN	X		
SEN. JON ELLINGSON	X		
SEN. EVE FRANKLIN	X		
SEN. BEA MC CARTHY	X		
SEN. CHUCK SWYSGOOD	X		
SEN. JACK WELLS	X		
SEN. MIKE TAYLOR, VICE CHAIRMAN	X		
SEN. KEN MESAROS, CHAIRMAN	X		

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Fish and Game** report that **Senate Bill 334** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Ken Mesaros, Chair

And, that such amendments read:

1. Title, line 9.
Following: "FEES;"
Insert: "PROVIDING FOR ALLOCATION OF THE REVENUE GENERATED BY THE FEES;"

2. Page 1, line 29.
Strike: "(a)"
Following: "of"
Insert: "the following"
Strike: "."
Insert: ":"

3. Page 1, line 30 through page 2, line 13.
Strike: subsections (b) and (c) in their entirety
Insert: "(a) one big game hunting outfitter;
(b) one fishing outfitter;
(c) two outfitters who are engaged in the fishing and hunting outfitting business;
(d) two sportspersons; and
(e) one member of the general public.
(3) (a) A subcommittee composed of five members of the board shall review net client hunter use expansion requests as provided in [section 5], based on the criteria provided in [section 6], and report its determinations to the full board. A favorable vote of at least a majority of all members of the board

Committee Vote:
Yes 12, No 0.

is required to adopt any resolution, motion, or other decision.

(b) The subcommittee must consist of the two hunting outfitters, the two sportspersons, and the one member of the public serving on the board pursuant to subsection (2)."

Renumber: subsequent subsections

4. Page 2, line 15.
Strike: "elected"
Insert: "appointed"

5. Page 2, line 28.
Following: "staff"
Insert: "during the hunting season"

6. Page 3, line 14.
Following: the first "any"
Insert: "NCHU"
Strike: "since 1988"

7. Page 5, line 2.
Following: "board"
Insert: "and developed in collaboration with the department of fish, wildlife, and parks or the review committee established in 87-1-269"

8. Page 5, lines 3 through 5.
Strike: "," on line 3 through "parks" on line 5

9. Page 5, lines 8 and 9.
Strike: "that" on line 8 through "and" on line 9

10. Page 5, lines 18 through 20.
Following: ":" on line 18
Insert: "If a nonresident license applicant resides in a state that requires residents of the state of Montana to pay in excess of the amount established by the board for a similar license, then the fee for the nonresident outfitter's, guide's, or professional guide's license must be the same amount as the higher fee charged in the state where the nonresident license applicant resides."
Strike: "shall" on line 18 through "outfitters" on line 20
Insert: "is subject to the same rules and regulations that apply to a resident hunting outfitter, except that a nonresident hunting outfitter is not eligible to sponsor hunters for the

Class B-10 and Class B-11 licenses, as provided in 87-2-511."

11. Page 5, line 26.
Strike: "**license**"
Insert: "operations plan"

12. Page 5, line 28.
Following: "expansion"
Insert: "unless the newly licensed outfitter is purchasing the business of an existing outfitter"

13. Page 5, line 30.
Strike: "If an"
Insert: "For any"
Strike: "is"
Following: "board"
Insert: "after March 1, 1996"
Following: "years"
Insert: "from the date of the expansion approval"

14. Page 6, line 12.
Strike: "license"
Insert: "operations plan"

15. Page 6, line 14.
Following: "clients"
Insert: "served"

16. Page 6, line 16 through line 19.
Strike: subsection (6) in its entirety

17. Page 7, line 2.
Following: "regulations"
Insert: "in the last 3 years"

18. Page 7, line 3.
Strike: the first ","
Insert: "or"
Strike: ", or incomplete"

19. Page 7, line 8.

Following: "restrict the"
Insert: "current"

20. Page 7, line 27.
Following: "given"
Insert: "documented"

21. Page 8, line 1.
Following: "past"
Insert: "substantiated"

22. Page 8, line 2.
Following: the first "the"
Insert: "local"

23. Page 8, line 8.
Following: "the"
Insert: "local"

24. Page 8, line 12 through line 14.
Strike: "In" on line 12 through "." on line 14

25. Page 8.
Following: line 21
Insert: "(8) For the purposes of this section, "right-of-way" means any public interest in or use of real property for purposes of recreation or for gaining access to other real property for purposes of recreation."

26. Page 8, line 24.
Following: "37-47-306"
Insert: "for an outfitter providing hunting services"

27. Page 8, line 29.
Following: "operates"
Insert: "hunting"

28. Page 9, line 2 through line 4.
Following: the second "the"
Strike: "outfitter's" on line 2 through "policies" on line 4
Insert: "following:
(a) an outfitter's base of operations camp;

(b) camps established before October 1, 1999;
(c) camps established on public land when use is directly regulated by public land-use policies; or
(d) camps on corporate timberlands where public access is not restricted"

29. Page 9, line 5.
Strike: "allocated" through "be"

30. Page 9, line 8.
Following: "chapter."
Insert: "The fees collected must be allocated as follows:
(a) Revenue generated by the $10 fee imposed in subsection (1)(a) must be split equally between the board and the department of fish, wildlife, and parks.
(b) Revenue generated by the the $500 fee imposed in subsection (1)(b) must be allocated between the board and the department of fish, wildlife, and parks in the following order:
(i) the amount necessary to cover the department's administrative expenses that exceed the revenue generated by subsection (2)(a); and
(ii) the remaining amount to be deposited in the state special revenue fund to the credit of the board.
(c) Revenue generated by the $5,000 fee imposed in subsection (1)(c) must be deposited in the state special revenue fund to the credit of the board."

- END -

LEGISLATIVE TAPE LOG

COMMITTEE: Senate Fish + Game

DATE: 2-18-1999

MINUTES (Time 3:15)	CONTENT NOTES
0.0	Meeting called to order by Sen. Mesaros Executive Action for SB 329 · Discussion
	· Senator Ellingson entered, exhibit #1 · Senator McCarthy
	· Senator Swysgood · Vote on amendment - passed unanimously · Vote on SB 329 as amended - passed unanimously
5.7	Executive Action on SB 334 · Senator Mesaros motioned amendments be adopted Discussion:
	· Jeanne Kurtz · Senator Mesaros entered amendments, exhibit #2
	· Senator Crismore · Senator Beck · Senator Swysgood
	· Senator Beck · Senator Mesaros · Senator Beck - Senator Swysgood - Allen Charles
	· Senator Beck - Allen Charles, Senator Beck · Senator Wells - Allen Charles · Senator Beck substitute motion - passed unanimously
20.3	· Vote amendment - passed unanimously · Senator Mesaros motioned amendments be adopted Discussion:
	· Senator Wells - Senator Swysgood · vote amendment - pass unanimously

LEGISLATIVE TAPE LOG

COMMITTEE: Senate Fish & Game

DATE: 2-18-99

MINUTES	CONTENT NOTES
	· Sen Mesaros motioned amendment - passed unanimously · Sen. Mesaros motioned amendment - passed unanimously · Sen Mesaros motioned SB 334 Do Pass as Amended · passed unanimously
	Executive Action on SB 335, SB 336 & SB 337 · Sen Beck motioned bills Do Pass as Amended · Discussion
	· Senator Swysgood - Sen. Mesaros - Jeanne Kurtz · Vote carried unanimously Executive Action on SB 338
21.2	Jeanne Kurtz entered amendments, exhibit #3 · Sen. Mesaros motioned amendments · Discussion:
	· Sen. McCarthy - Pat Graham · Vote passed unanimously · Senator Swysgood moved amendment
	Discussion: · Sen. Swysgood · vote passed unanimously
33.0	· Senator Swysgood moved amendment Discussion · Sen. Swysgood
	· Sen. Taylor · Sen. Beck - Sen. Mesaros · Sen. Beck - Sen. Swysgood
	· Sen Taylor · Sen. Crismore - Pat Graham · Sen Crismore - Sen. Taylor
	· Sen. Beck - Senator Crismore Sen Beck - Pat Graham

LEGISLATIVE TAPE LOG

COMMITTEE: Senate Fish & Game

DATE: 2.18.99

MINUTES	CONTENT NOTES
Tape 1 Side B 0.0	· Sen. Swysgood · Sen. Wells · Sen Wells substitute motion - passed 9-3
	· Sen Swysgood · Sen. Taylor moved amendment Discussion
	· Sen. Taylor · Sen. Wells - Pat Graham - Sen. Wells · Sen. Beck
	· Sen Taylor · vote motion failed 3-8 · Senator Beck moved amendments - passed unanimously
	Executive Action on SB338, SB339, SB340 + SB341 Sen Beck motioned SB338 Do Pass As Amended · passed unanimously
	· Sen. Beck motioned SB339, SB340 + SB341 Do Pass as Amended · passed unanimously · Sen Mesdros
9.8	Executive Action on SB445 · Sen. Swysgood moved amendment, exhibit #4 Discussion:
	· Sen Swysgood · Sen. Beck · Sen. McCarthy - Sen Swysgood
	· Sen. McCarthy - Sen. Swysgood · Sen Taylor - Sen Swysgood · Sen Taylor - Sen Swysgood
	· Sen Taylor - Sen. Swysgood · Sen. Franklin - Pat Graham - Sen. Swysgood - Mr. Graham - Sen. Swysgood

(A)

LEGISLATIVE TAPE LOG

COMMITTEE: Senate Fish + Game

DATE: 2-18-99

MINUTES	CONTENT NOTES
19.8	· Sen. McCarthy - Sen. Swysgood · Sen Doherty - Sen. Swysgood · Sen Doherty - Sen. Swysgood
	· Sen Doherty - Sen Swysgood · Sen. Doherty - " · Sen Doherty - "
	· Sen Doherty - Sen Swysgood · Sen. Doherty - " · Sen Elegreen - Sen Doherty
	· Sen McCarthy - Sen. Swysgood - Pat Graham · Sen Beck - Sen. Swysgood - Sen. Beck · Sen McCarthy - Sen. Swysgood
	· Sen. Swysgood - Pat Graham - Sen Swysgood · Sen McCarthy - Sen. Swysgood - Leanne Kurtz · Sen Swysgood
38.3	· Sen. McCarthy - Sen. Swysgood · vote passed 11-1. · Sen. Swysgood moved SB445 Do Pass as Amended · passed 10-2.
	Executive Action on SB458 · Sen Taylor moved SB458 Discussion:
Tape 2 Side A 0.0	· Sen Beck - Leanne Kurtz · Pat Graham - Sen. Taylor - Pat Graham · Sen. Wells
	· Sen Taylor · Sen. Beck - Pat Graham · Sen. Beck - Pat Graham - Sen. Beck
	· Sen. Swysgood · Sen Swysgood moved to amend bill

LEGISLATIVE TAPE LOG

COMMITTEE: Senate Fish + Game

DATE: 2-18-99

MINUTES	CONTENT NOTES
	Discussion:
	Sen. Doherty
	Sen. Crismore
	vote: passed 8-4
	Sen Beck - Pat Graham
	Sen Beck
	Sen. Ellegren - Mr. Graham
	vote: passed 11-1
	Executive Action on SB 418
6.9	Sen Swysgood moved SB 418
	Discussion
	Sen Swysgood
	Sen Beck
	Sen Ellingson - Sen. Swysgood
	Sen Bishop - Sen Beck - Sen Bishop - Sen. Beck
	Sen Bishop - Sen. Beck
	Sen Swysgood
	Sen. Bishop - Sen Ellingson - Sen. Doherty
	Sen. Ellegren
	Sen. Wells
23.0	Sen. Taylor - Pat Graham
	Sen Franklin
	Sen Beck - Mr. Graham - Sen. Beck - Mr. Graham
	Sen. Beck - Pat Graham - Sen. Beck
	Sen. Wells
	Sen. Swysgood
	Sen. Ellingson - Sen. Swysgood
Tape 2 Side B 0.0	Sen Wells
	Sen Taylor

(6)

LEGISLATIVE TAPE LOG

COMMITTEE: Senate Fish + Game

DATE: 2-18-99

MINUTES	CONTENT NOTES
	· vote failed 5-7 · Sen Bell motioned to Table SB418 · motion passed 7-5

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH, WILDLIFE AND PARKS

Call to Order: By **CHAIRMAN DOUG WAGNER**, on March 25, 1999 at 3:20 P.M., in Room 312 - 1 Capitol.

ROLL CALL

Members Present:

Rep. Doug Wagner, Chairman (R)
Rep. Daniel Fuchs, Vice Chairman (R)
Rep. George Golie, Vice Chairman (D)
Rep. Shiell Anderson (R)
Rep. Gary Beck (D)
Rep. Bob Davies (R)
Rep. Ron Erickson (D)
Rep. Tom Facey (D)
Rep. Gail Gutsche (D)
Rep. Marian Hanson (R)
Rep. Hal Harper (D)
Rep. Chase Hibbard (R)
Rep. Joe McKenney (R)
Rep. Brad Molnar (R)
Rep. Bob Pavlovich (D)
Rep. Bob Raney (D)
Rep. Bill Rehbein (R)
Rep. Jim Shockley (R)
Rep. Roger Somerville (R)
Rep. Allan Walters (R)

Members Excused: None.

Members Absent: None.

Staff Present: Mikell Johnson, Committee Secretary
Doug Sternberg, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: NONE
Executive Action: SB 58; SB 59; SB 338; SB 334; SB 445; HB 389

Motion/Vote: **REP. PAVLOVICH** moved that **SB 58 BE TABLED. Motion carried unanimously.**

Motion: **REP. WALTERS** moved that **SB 59 BE CONCURRED IN.**

Arnie Olson, Fish, Wildlife and Parks **EXHIBIT(fih67a01)**

Motion: **REP. WAGNER** moved that **SB 59 CONCEPTUAL AMENDMENT.**

Discussion: Chairman Wagner; Rep. Shockley;

Substitute Motion/Vote: **REP. ANDERSON** made a substitute motion that **SB 59 BE AMENDED. Substitute motion carried 19-1 with Golie voting no.**

Motion/Vote: **REP. MOLNAR** moved that **SB 59 BE AMENDED. Motion carried 13-7 with Anderson, Gutsche, Hanson, Harper, Hibbard, Pavlovich, and Rehbein voting no.**

Motion/Vote: **REP. MOLNAR** moved that **SB 59 BE AMENDED. Motion failed 8-12 with Beck, Davies, Fuchs, Golie, Molnar, Raney, Somerville, and Wagner voting aye.**

EXHIBIT(fih67a02)

Motion/Vote: **REP. ANDERSON** moved that **SB 59 BE CONCURRED IN AS AMENDED. Motion carried 19-1 with Hanson voting no.**

Motion: **REP. WAGNER** moved that **SB ~~344~~ 334 BE CONCURRED IN.**

Pat Graham, Fish, Wildlife and Parks **EXHIBIT(fih67a03)**
EXHIBIT(fih67a04)
EXHIBIT(fih67a05)

Robin Cunningham, Fishing Outdoors of Montana **EXHIBIT(fih67a06)**

Petition in support: **EXHIBIT(fih67a07)**

Darwin Powers, Powder Horn Outfitters **EXHIBIT(fih67a08)**

Hart Beisher, Self
Brian Beisher, Self **EXHIBIT(fih67a09)**

John Ashley, Self **EXHIBIT(fih67a10)**

Motion/Vote: REP. GOLIE moved that **SB ~~344~~ 334 BE TABLED. Motion carried 13-7 with Erickson, Gutsche, Hanson, Harper, Hibbard, McKenney, and Shockley voting no.**

Motion: REP. WAGNER moved that **SB 338 BE CONCURRED IN.**

Tony Carroccia, Self **EXHIBIT(fih67a11)**

Ben Deeble, President Big Sky Upland Bird Association
EXHIBIT(fih67a12)

Page Gringman, Self **EXHIBIT(fih67a13)**

Robert Lucas, Self **EXHIBIT(fih67a14)**

Motion: REP. MOLNAR moved **SB 338 INDEFINITELY POSTPONE.**

Substitute Motion/Vote: REP. FUCHS made a substitute motion that **SB338 BE TABLED. Substitute motion carried 13-7 with Anderson, Erickson, Hanson, Harper, Hibbard, McKenney, and Rehbein voting no.**

Motion/Vote: REP. MOLNAR moved that **SB 445 BE TABLED. Motion carried 12-8 with Anderson, Facey, Hanson, Harper, Hibbard, Pavlovich, Shockley, and Somerville voting no.**

Beaverhead County Commissioners **EXHIBIT(fih67a15)**

Jennifer Dwyer, Self **EXHIBIT(fih67a16)**

Danny Kaluza, Self **EXHIBIT(fih67a17)**

Robbie Garrett, Slef **EXHIBIT(fih67a18)**

Al Luebeck, Self **EXHIBIT(fih67a19)**

Amy Cotton, Self **EXHIBIT(fih67a20)**

John Lorenz, Self **EXHIBIT(fih67a21)**

Randy Cain , President Fishing Outdoors Association of Montana
EXHIBIT(fih67a22)
EXHIBIT(fih67a23)

Jay Burgin, Five Rivers Lodge
Mary Jacques, Five Rivers Lodge **EXHIBIT(fih67a24)**

Doug Pope, Self **EXHIBIT(fih67a25)**

Mikell Johnson

EXHIBIT 3
DATE 3-25-99
SB 334

Montana Fish, Wildlife & Parks

P. O. Box 200701
Helena, MT 59620-0701
(406) 444-3186 - FAX:406-444-4952
Ref:DO306-99
March 23, 1999

Representative Doug Wagner, Chairman
Fish, Wildlife, & Parks Committee
Capitol Station
Helena MT 59620

Dear Chairman Wagner:

Representative Molnar asked me to produce a document he claimed he already had in his position. He asserted that I had signed this document during the hearing on SB334. The only document I could locate was an annual MOU which is signed by Beate Galda, Administrator of my Enforcement Division, and Mathew Rude, Executive Director of the Board of Outfitters.

These Memorandums of Understanding (MOU) are renewed annually. The document provided with this letter is the current MOU, valid from July 1, 1998, through June 30, 1999. It provides for the transfer of funds from the Department of Commerce to FWP to "assist with FWP's regulation of the law pertaining to Outfitters and Professional Guides..." and establishes guidelines for actions pursuant to that goal.

Specifically, I believe Representative Molnar was trying to describe Section III, A-1, on page 2. This section provides for FWP to issue criminal citations for violations of sections 1, 3, 4 and 7 of 37-47-301. These are for outfitting without a license, shooting a client's game and other violations. I attached a copy of the law. The MOU differentiates these from violations which are more appropriately handled by Board administrative actions such as maintenance of records required by the Board of Outfitters, quality of services provided versus quality of services advertised, etc.

The MOU does not affect the way in which our officers enforce any other statutes under our jurisdiction.

I would also like to address questions raised about alleged abuses of the system. First, if someone suspects an abuse yet fails to inform us, we cannot correct it. I have very little patience for people who make these allegations to everyone but us. Second, we try to educate hunters about how the system is supposed to work so they will know what constitutes an abuse. Third, we provide comment cards to hunters. Fourth, we have a panel set up to review complaints. Fifth, we investigate alleged abuse, and we have removed landowners from the program if abuse can be verified and was intentional.

Sincerely,

Pat Graham

Patrick J. Graham
Director

Encs.

c: FWP Committee

EXHIBIT 4
DATE 3-25-99
SB 334

MEMORANDUM OF UNDERSTANDING

Whereas, the Montana Department of Fish, Wildlife & Parks, Enforcement Division (DFWP) and the Board of Outfitters & Professional Guides (Board) and its administrative agent, the Montana Department of Commerce (DOC) desire to enter into a binding Memorandum of Understanding (MOU) to provide for the transfer of funds from DOC to DFWP to assist in DFWP's regulation of the law pertaining to Outfitters & Professional Guides; the parties agree as follows:

I. APPLICABLE LAW

A. Section 87-1-503, MCA confers ex-officio warden status upon the executive director and investigators of the board of outfitters; and specifies that as ex-officio wardens, the executive director and investigators have the same powers as regularly appointed wardens, in the enforcement of fish and game laws of this state and the laws relating to parks, and outdoor recreation contained in Title 23, chapters 1 and 2, except chapter 2, part 7, and further specifies that it is their duty to assist, whenever possible, in the enforcement of those laws; and

B. Section 87-1-506, MCA provides in part that fish and game wardens may investigate and make arrests for violations of the provisions of Title 37, chapter 47, and of any rules adopted pursuant to that chapter relating to the regulation of outfitters and guides in the state; and

C. Section 37-47-345, MCA provides that investigations for violations of Title 37, chapter 47, and rules adopted pursuant thereto may be made by any peace officer, warden of the Department of Fish, Wildlife and Parks, or federal enforcement personnel; and

D. Section 37-47-307, MCA requires DOC to investigate each applicant for an outfitter's, guide's or professional guide's license; and

E. The Department of Commerce, with the concurrence of a Board member, has the authority to assign Board investigators to investigate written complaints or other information received to determine whether there is reasonable cause to believe that a licensee or license applicant has committed a violation of Title 37, chapter 1, part 3, MCA; and

F. Section 37-1-317, MCA requires DOC to investigate complaints (written allegations) concerning practice by an unlicensed person.

II. LIAISONS AND INVESTIGATIVE COORDINATION

A. Liaisons. The liaison for DFWP shall be the Administrator of the Enforcement Division or designee. The liaison for the DOC and Board shall be the Executive Director or, in the alternative, the supervising attorney for DOC/Board.

B. Investigative Coordination. DFWP and the DOC shall meet on a regular basis to coordinate investigations of mutual interest to both agencies. DFWP and the DOC shall identify each case of mutual concern at such meetings, and shall designate which agency will take primary responsibility for the investigation. The agency designated as having primary responsibility for the investigation shall take the lead role in determining the course and completion of the investigation. The lead agency shall communicate requests for assistance from the other agency through the agency liaison(s). After such assistance has been authorized by the agency, the investigators for each agency may cooperate within the scope of such authorized assistance.

III. DUTIES

A. Uniformed DFWP Enforcement Personnel.

1. In all instances of Title 37 Chapter 47 violations allegedly committed by a licensed outfitter or guide, other than violations of section 37-47-301(1), (3), (4), and (7), MCA, no criminal citation shall be issued, unless otherwise agreed upon by the Liaisons. A written memorandum or incident report shall be delivered to the Board and the allegations reviewed for possible administrative action. Criminal citations may be issued for violations of section 37-47-301(1), (3), (4) and (7), MCA (unlicensed practice).

2. When performing duties relative to employment in the field, a uniformed game warden who encounters a person or persons appearing to be engaged in commercial outfitting or guiding, shall determine whether the person possesses a current outfitter or guide license. The warden shall document the date, time and place of the license check, the name address, and telephone number of the suspected outfitter or guide, and the name, address and telephone number of any clients in his or her company. The warden, in his or her discretion, may immediately report suspected unlicensed activity by means of a written memorandum delivered to the Board or take any lawful steps under the warden's status as a peace officer.

B. Board Investigators. Board investigators shall enter the field only when authorized to investigate by the DOC or Board. When, in the field pursuant to such authorization, a Board investigator observes an apparent violation of a fish and game law, the investigator shall contact the warden assigned to the geographic area for advice and direction as to whether a citation should be issued; if the warden is not available, the investigator shall exercise his or her discretion as an ex-officio warden in issuance of the citation or filing of an incident report.

C. Issuance of Citations in General. Citations that are issued as a result of an investigation shall be issued by the warden or ex-officio warden conducting the investigation.

IV. REIMBURSEMENT AND INTERAGENCY TRANSFER OF FUNDS

A. The parties agree that DOC shall pay DFWP funds not exceeding the following amounts during the fiscal year 1999:

1. Funds not exceeding $20,000 for uniformed license inspections.

2. The amount charged for each license inspection conducted by uniformed enforcement shall be twenty thousand dollars ($20,000), divided by the annual average number of such inspections conducted by uniformed enforcement over the four fiscal years immediately preceding the fiscal year in which this MOU becomes effective. DFWP shall be responsible for documenting the average total number of inspections conducted by uniformed enforcement as detailed in this paragraph, and providing such statistics to DOC no later than thirty days following the date of this MOU.

3. Funds not exceeding $20,000 for unlicensed practice investigations.

4. DFWP shall be responsible to document what cases have been worked in accordance with this section of the MOU and incorporate that documentation into the existing format.

B. DFWP shall submit statements to the Board on a semi-annual basis, no later than 30 days after the end of each reporting period set forth below, specifying an authorized charge for each inspection/investigation, or portion thereof conducted by DFWP. The Board shall reimburse DFWP such charges within 30 days of receipt of the semi-annual statement.

V. REPORTING REQUIREMENTS

A. DFWP shall submit to the Board , a semi-annual report summarizing such license checks for periods ending June 30 and January 31 of each year. Concerning the number of outfitter and guide contacts and inspections made and the results of such contacts and inspections. DOC, at the direction of the Board, shall further investigate unlicensed practice and unprofessional conduct from such written memoranda or semi-annual reports.

B. The liaison for DOC shall provide the liaison for DFWP with a written report, designating the total number of citations or filing of incident reports issued by DOC investigators during the preceding reporting period, if any, at each meeting referenced in paragraph II(B) above.

C. DFWP shall submit to the Board , a semi-annual report summarizing covert

operations for periods ending June 30 and January 31 of each year which concern unlicensed practice of outfitting or illegal practices of licensed outfitters or guides. DOC, at the direction of the Board, shall further investigate unlicensed practice and unprofessional conduct from such written memoranda or semi-annual reports.

VI. TERM OF AGREEMENT

The term of this MOU shall begin July 1, 1998 and expire June 30, 1999 and may be modified or renewed by mutual agreement of the parties in writing.

Department of Fish, Wildlife & Parks

By: Butch Gilder

Title: Administrator - Law Enforcement Division

Date: July 21, 1998

Board of Outfitters
Department of Commerce

By: Matthew C Rude

Title: EXECUTIVE DIRECTOR

Date: 7/20/98

EXHIBIT 5
DATE 3-25-99
SB 334

TITLE 37

PROFESSIONS AND OCCUPATIONS

CHAPTER 47

OUTFITTERS AND GUIDES

Part 1 — General

37-47-101. Definitions.
37-47-102. Repealed.

Part 2 — Board of Outfitters

37-47-201. Powers and duties of board relating to outfitters, guides, and professional guides.
37-47-202. Executive director — qualifications — powers and duties.

Part 3 — Licensing

37-47-301. License required — services performed — standards.
37-47-302. Outfitter's qualifications.
37-47-303. Guide's and professional guide's qualifications.
37-47-304. Application.
37-47-305. Outfitter's examination.
37-47-306. Fees.
37-47-307. Investigation of applicant — issuance or denial of license.
37-47-308. Kinds of licenses.
37-47-309. Repealed.
37-47-310. Transfer or amendment of outfitter's license.
37-47-311. Limit one license.
37-47-312. Expiration of license.
37-47-313. Shuttle and rental services — exemption
37-47-314. Terminated.
37-47-315. Moratorium on issuance of hunting outfitter licenses.
37-47-316 through 37-47-340 reserved.
37-47-341. Grounds for denial, suspension, or revocation of license.
37-47-342. Repealed.
37-47-343. Appeal procedure.
37-47-344. Penalties — disposition of fines.
37-47-345. Enforcement.
37-47-346. Repealed.
37-47-347 through 37-47-350 reserved.
37-47-351. Investigators — qualifications.

Part 4 — Relative Duties of Outfitters, Guides, and Participants

37-47-401. Purpose.
37-47-402. Duties of outfitters, guides, and professional guides.
37-47-403. Duties of participants.
37-47-404. Responsibility for violations of law.

(6) hold hearings and proceedings to suspend or revoke licenses of outfitters, guides, and professional guides for due cause.

History: En. Sec. 4, Ch. 221, L. 1971; amd. Sec. 38, Ch. 511, L. 1973; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-911; amd. Sec. 1, Ch. 490, L. 1981; amd. Sec. 5, Ch. 545, L. 1981; amd. Sec. 1, Ch. 277, L. 1983; amd. Sec. 4, Ch. 528, L. 1987; Sec. 87-4-104, MCA 1985; redes. 37-47-201 by Sec. 11, Ch. 528, L. 1987; amd. Sec. 1, Ch. 220, L. 1993; amd. Sec. 3, Ch. 328, L. 1995.

37-47-202. Executive director — qualifications — powers and duties. (1) The department may hire an executive director to assist the board in carrying out its duties under this chapter.

(2) The executive director must:

(a) be a citizen of the United States and a resident of Montana;

(b) have knowledge of outfitting and guiding; and

(c) have at least 2 years' experience in management or equivalent training or education.

(3) The duties of the executive director include:

(a) processing and investigating applications for licensure as an outfitter or guide;

(b) conducting investigations of outfitters and guides that involve violations of this chapter or rules of the board and reporting to the board regarding complaints and investigations of complaints;

(c) coordinating inspections, investigations, and training activities of investigators under this chapter; and

(d) coordinating investigations with other local, state, and federal agencies.

History: En. Sec. 1, Ch. 183, L. 1993.

Part 3
Licensing

37-47-301. License required — services performed — standards. (1) A person may not act as an outfitter, guide, or professional guide or advertise or otherwise represent to the public that the person is an outfitter, guide, or professional guide without first securing a license in accordance with the provisions of this part.

(2) Whenever an outfitter is engaged by a participant, the outfitter shall keep and submit records as required by the board.

(3) Outfitters and guides, professional guides, and other employees of an outfitter may not shoot, kill, or take big game animals for or in competition with those employing them while acting as outfitters, guides, professional guides, or employees of an outfitter.

(4) Outfitters utilizing lands under the control of the United States government shall obtain the proper permits required by the government office having jurisdiction over the area in which the outfitter intends to operate and shall comply with environmental protection standards established for these lands.

(5) Outfitters may not willfully and substantially misrepresent their facilities, prices, equipment, services, or hunting or fishing opportunities.

(6) Outfitters and their employees, agents, and representatives shall take every reasonable measure to provide their advertised services to their clients.

[redacted] does not hold a current license as provided under this part.

History: En. Sec. 7, Ch. 221, L. 1971; amd. Sec. 20, Ch. 9, L. 1977; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-914; amd. Sec. 8, Ch. 545, L. 1981; Sec. 87-4-121, MCA 1985; redes. 37-47-301 by Sec. 11, Ch. 528, L. 1987; amd. Sec. 2, Ch. 565, L. 1989; amd. Sec. 2, Ch. 220, L. 1993; amd. Sec. 4, Ch. 328, L. 1995.

37-47-302. Outfitter's qualifications. An applicant for an outfitter's license or renewal of a license must meet the following qualifications:

(1) be 18 years of age or older, be physically capable and mentally competent to perform the duties of an outfitter, and meet experience, training, and testing requirements as prescribed by board rule;

(2) own or hold under written lease or represent a company, corporation, or partnership who owns or holds under written lease the equipment and facilities that are necessary to provide the services advertised, contracted for, or agreed upon between the outfitter and the outfitter's clients (all equipment and facilities are subject to inspection at all reasonable times and places by the board or its designated agent);

(3) have demonstrated a respect for and compliance with the laws of any state or of the United States and all rules promulgated under those laws related to fish and game, conservation of natural resources, and preservation of the natural ecosystem without pollution of the ecosystem;

(4) have not, at any time, practiced fraud, deception, or material misrepresentation in procuring any previous outfitter's, guide's, professional guide's, or conservation license from the state of Montana;

(5) have not, at any time, promulgated any false or misleading advertising relating to the business of outfitting.

History: En. Sec. 8, Ch. 221, L. 1971; amd. Sec. 13, Ch. 94, L. 1973; amd. Sec. 3, Ch. 541, L. 1975; amd. Sec. 21, Ch. 9, L. 1977; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-915(3)(a) thru (3)(k); amd. Sec. 9, Ch. 545, L. 1981; amd. Sec. 8, Ch. 239, L. 1983; amd. Sec. 10, Ch. 528, L. 1987; Sec. 87-4-122, MCA 1985; redes. 37-47-302 by Sec. 11, Ch. 528, L. 1987; amd. Sec. 3, Ch. 220, L. 1993; amd. Sec. 5, Ch. 328, L. 1995.

37-47-303. Guide's and professional guide's qualifications. (1) An applicant for a guide's or professional guide's license must meet the following qualifications:

(a) be 18 years of age or older and be physically capable and mentally competent to perform the duties of a guide or professional guide;

(b) be endorsed and recommended by an outfitter with a valid license; and

(c) have been issued a valid wildlife conservation license.

(2) In addition to the requirements listed in subsection (1), an applicant for licensure as a professional guide must meet additional experience requirements, to be set by board rule, and may be required to show proof of training or pass a qualifying examination when required by board rule.

History: En. Sec. 8, Ch. 221, L. 1971; amd. Sec. 13, Ch. 94, L. 1973; amd. Sec. 3, Ch. 541, L. 1975; amd. Sec. 21, Ch. 9, L. 1977; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-915(4), (5); amd. Sec. 10, Ch. 545, L. 1981; Sec. 87-4-123, MCA 1985; redes. 37-47-303 by Sec. 11, Ch. 528, L. 1987; amd. Sec. 4, Ch. 220, L. 1993; amd. Sec. 6, Ch. 328, L. 1995.

37-47-304. Application. (1) Each applicant for an outfitter's, guide's, or professional guide's license shall make application for license on a form prescribed and furnished by the board.

EXHIBIT 6
DATE 3-23-99A
SB 334

Behind closed doors, outfitter board dismisses Bales complaint

In a meeting closed to the public and press last week, the Montana Board of Outfitters dismissed a complaint against outfitter Keith Bales that could have resulted in the loss of his outfitting license.

The complaint had been filed by the Montana Wildlife Federation and nine other sportsmen's groups last October.

The complaint charged that Bales, an outfitter from Otter and president of the Montana Stockgrowers Association, had violated Montana Board of Outfitters (MBO) rules contained in the "Standards for Outfitters and Guides" when he successfully petitioned the Powder River County Commission to abandon the Quietus Loop Road in 1994.

That road had provided public access to more than 16,100 acres of federal and state land. In closing it, the group charged he sealed off the public land and turned it into a private hunting preserve for himself and his clients.

The sportsmen's groups maintained that this action violated the Administrative Rules of Montana 8.39.509 (3) (c) adopted by the Department of Commerce that stated, "'All licensees shall: ...provide services on public land in a manner such that they do not interfere with the general public access to public land or waterways or access to wildlife on public land."

The hearing on the complaint was held Tuesday in Helena behind closed doors. Neither the public, nor the press, was allowed in. Only the board, Bales and complainants could be there.

As a result, not much is known about what went on at the hearing and the MBO issued no press releases on it.

Outdoors in Montana

Mark Henckel
Outdoor editor

According to Stan Frasier, the president of the Montana Wildlife Federation who did sit in on the session, the board felt that the individual's right to privacy overrode Montana's Open Meeting laws. Not everyone else agreed, including Frasier, who said, "I feel a license revocation question is a public issue that involved the public's ability to access public lands to hunt publicly-owned wildlife. Deciding this issue in a closed session is inexcusable."

During the hearing, Frasier said, a Department of Commerce attorney stated the board had no jurisdiction over an outfitter petitioning a county commission to close a public road. Using that as guidance, the MBO dismissed the complaint.

As to the issue of an outfitter interfering with public access to public lands or violating legal rules, that apparently was not a considerations.

The dismissal has left sportsmen's organizations angry, both at the decision and at the board itself.

On the decision, Dan Dart of the Southeastern Montana Sportsmen, said, "Does the Board of Outfitters really think that those actions don't contradict their own mandate to 'provide services on public land in a manner such that they do not interfere with the general public access?'"

Said Frasier, "There is no question that the effects of Mr. Bales' actions 'interfere' with public access to public lands."

On the board itself, John Gibson, of Billings, speaking for the Public Lands Access Association, said "The board's denial of this complaint and the fact that it was made behind closed doors are further indications that we need to change the makeup of the Board of Outfitters.

"If the board doesn't think they have jurisdiction over this issue, when Bales took such overt action to close the Quietus Loop Road, then when would the board have jurisdiction?," Gibson added. "Sportsmen need to make a stand and pressure their legislators to change Senate Bill 344 so outfitters don't make up a majority on the Board of Outfitters."

SB 344, sponsored by Sen. Ken Mesaros, R-Cascade, is an amended version of a proposal put forward by the state's Private Land/Public Wildlife Advisory Council.

The original PLPW proposal would have put outfitters in a minority on the board — one public land outfitter, one private land outfitter, one fishing outfitter, one member of the public at large, two sportspersons and one landowner who does not allow outfitting on his or her property. Outfitters would be in the minority on the board — four seats to three.

Under the current text of the bill, the amended version of SB 344 would have one big game outfitter, one fishing outfitter, two hunting and fishing outfitters, two sportspersons and one member of the public. If passed, outfitters would still control the board — four seats to three.

"This action (dismissing the Bales complaint) is consistent with the arrogance and disregard that the Board of Outfitters has shown toward the public and the laws of this state," said Chris Marchion, of the Anaconda Sportsmen's Association. "The Board of Outfitters is self-serving to their fellow outfitters that exploit the commercial value of hunting by creating exclusive hunting opportunities for their clients all to the detriment of the common people of Montana."

Said Ron Litostansky, of the Russell Country Sportsmen's Association, "I think it's clear that something needs to be done with this board."

Groups involved in the complaint included the Montana Wildlife Federation, Coalition for Appropriate Management of State Lands, Billings Rod and Gun Club, Anaconda Sportsmen's Association, Laurel Rod and Gun Club, Public Lands Access Association, Southeastern Sportsmen's Association, Custer Rod and Gun Club, Rosebud/Treasure Wildlife Association and Russell Country Sportsmen's Association.

No decision has yet been made on whether the sportsmen's organizations will press the Bales issue any further. Talk so far has included filing another complaint, this one with the Montana attorney general, or filing suit against the board and its members.

Mark Henckel is the outdoor editor of The Billings Gazette. His columns appear Thursdays and Sundays. He can be contacted by telephone at: (406) 657-1395, or by e-mail at: henckel@bsw.net

EXHIBIT 7
DATE 3-25-99
SB 334

PETITION

for the House Fish and Game Committee
from the
Fishing Outfitters Association of Montana

We, the undersigned, urge the members of the committee to support the composition of the Board of Outfitters as presented in SB 334 for the following reasons:

1. The central purpose of the Board of Outfitters is to set professional qualifications and standards and to render disciplinary and administrative services to the outfitting industry.
2. With this purpose in mind, membership in the board should consist of a majority of outfitter members.
3. The recommended composition in SB 334 achieves a balance of fishing and hunting outfitter representation.
4. The recommended composition in SB 334 increases public membership by 200%.
5. The creation of a subcommittee to review and address hunting outfitter expansion requests is sufficient to protect the public interest and the public resources shared by all recreationists.

1. Bill Sander Ennis MT 59729
2. Alan Goodman - Bzn
3. Dave Blackburn Libby
4. RANAY CAIN-W. YELLOWSTONE
5. C.B. Rizzotto PRAY, MT
6. Mike Wolfe Ennis, MT 59729
7. Jo [illegible] C. Livingston
8. Glenn McNeely Bozeman
9. Rodney D. Campbell (Bozeman)
10. Richard C Parks Gardiner MT
11. Howard Bethel Bozeman
12. Ben Berry Superior MT
13. John Bruce III
14.
15.
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24.

25. Ted Gonzalez
26. Allen Schattenberg
27. Robert Rogers
28.
29. [illegible]
30.
31. R.A. Herbert
32.
33. Eric Roth
34.
35. [illegible]
36.
37. [illegible]
38.
39. Tom Pollard
40.
41. Jerry Wilkinson
42.
43. Stuart W. Howard
44.
45. Greg Lilly
46.
47. John Cox
48.
49. Tom Angus
50.

Leg House

From: Ann L Powers [dap@wavecom.net]
Sent: Tuesday, March 16, 1999 10:02 PM
To: house@state.mt.us
Subject: SB 334

EXHIBIT 8
DATE 3-25-99
SB 334

Members of the House Fish and Game Committee,

The above mentioned bill has a section which would prohibit non-resident outfitters from having access to guaranteed big game licenses. This would seem to be illegal discrimination and a block to free enterprise in your state.

As a non-resident outfitter I have struggled with your annually changing regulations to a point of total frustration. I have observed your block management program to bring the almost total destruction of game in your state. The last viable hunting grounds are the small pockets of private land where outfitters have been able to cultivate and protect the game herds.

Our hunting business spends $5,000 - $8,000 dollars each year in advertising at sportshows and national magazines. We bring people into your state and provide a satisfying, professional service and our clientele return year after year.

As a non-resident outfitter, I feel your pending legislation will hurt myself as well as end an area of revenue that your state has been enjoying. Please reconsider this bias and short sighted proposition.

Sincerely, Darwin Powers, Powder Horn Outfitters

Leg House

EXHIBIT 9
DATE 3-25-99
SB 334

From: Brian N. Beisher [bbeisher@wavecom.net]
Sent: Monday, March 15, 1999 3:05 PM
To: Doug Wagner
Subject: SB 334

HART & BEISHER
Brian N. Beisher
P.O. Box 641
Sheridan, Wyoming 82801
(307) 672-3424
(307) 672-3425 - fax

March 15, 1999

Doug Wagner
Montana Legislature
Capitol Station
Helena, MT 59620

Re: Senate Bill 334

Dear Mr. Wagner:

I am a Montana Outfitter, license number 7594, and reside in Wyoming. I outfit hunters in both Montana and Wyoming, and consider outfitting to be a serious pursuit and business interest. In addition to outfitting, I practice law in Sheridan, Wyoming.

I have had occasion to review Senate Bill 334, and am genuinely concerned with this proposed legislation for a number of reasons. The most troubling aspect of SB 334 is Section 4, proposing an amendment to 37-47-306 (3), as follows: "A nonresident hunting outfitter is subject to the same rules and regulations that apply to a resident hunting outfitter, except that a nonresident hunting outfitter is not eligible to sponsor hunters for the class B-10 and class B-11 licenses, as provided in 87-2-511." If passed in its current form, SB 334 will have a significant negative impact on my outfitting business and the businesses of many other nonresident outfitters who have contacted me regarding this issue.

This section of SB 334 discriminates against nonresidents, and clearly violates the United States Constitution, more specifically the Commerce Clause, the Privileges and Immunities Clauses, and quite possibly the Equal Protection Clause. Do not take my word for it, please consult your legal counsel.

What is most troubling to me is not necessarily the adverse consequences my business will suffer, but the fact that Montana would consider discriminating in such a fashion. I am aware that you are elected by the residents of the State of Montana, and do not have a great interest in the concerns of nonresidents. But, this law is patently unfair. We are all United States citizens and Westerners, and should not treat each other this way.

Additionally, it is unclear how this proposed legislation helps Montana or its citizens. There are two basic considerations behind the outfitter sponsor license law:

1. Maximizing revenue to the State of Montana from the sale of

nonresident big game hunting licenses; and
2. Stabilizing the outfitting industry.

Every nonresident hunter that applies for a B-10 or B-11 license receives the license. All outfitters, resident and nonresident, are assured that all of their clients will draw a license. This has stabilized the outfitting industry.

Income to the state is maximized by raising the price of the license until demand meets supply, i.e. the cap of 5,600 B-10 licenses and 2,000 B-11 licenses. The supply has finally exceeded demand, and both B-10 and B-11 licenses were available after the application deadline in 1998. Revenue to the state has been maximized for now, but increased future demand can continue to increase the price and income to the state.

Less outfitted clients applying for the B-10 and B-11 licenses should lower demand, thus reducing revenue to the state. A decline in price surely benefits nonresident hunters, and possibly resident outfitters to a limited extent, i.e. lower priced licenses may attract more clients for the outfitter, but this adds nothing to the stabilization of the outfitting industry. On the other hand, a decline in price undermines the philosophy of the market driven guaranteed license system, and clearly hurts Montana as a whole.

Given the Constitutional implications, the unfairness, and the lack of compelling or beneficial reasons for the proposed legislation, it is important to the State of Montana and the United States as a whole that you vote against SB 334.

Thank you for your attention to this matter.

Very truly yours,

HART & BEISHER

Brian N. Beisher

80

Leg House

From: John Ashley [ashley@bigsky.net]
Sent: Thursday, March 18, 1999 11:47 AM
To: MT House of Representatives
Subject: Rep. Douglas Wagner

EXHIBIT 10
DATE 3-25-99
SB 334

Dear Mr. Wagner:

Please vote against SB344 and SB345. If the mining companies want to bring this issue to another vote, they -- like the rest of us -- should be required to gather signitures to put it on the ballot. And SB345 is unwise because water pollution does not stop at county lines.

The citizens of Montana have clearly expressed their wish to ban cyanide heap leach mining. Any attempts to ignore the voters' wishes would be imprudent.

Thank you for considering these matters.

Sincerely,

John Ashley
Columbia Falls, MT
Ashley@BigSky.net

HOUSE OF REPRESENTATIVES

FISH, WILDLIFE AND PARKS COMMITTEE

ROLL CALL DATE 3-23-99

NAME	PRESENT	ABSENT	EXCUSED
REP. SHEILL ANDERSON	X		
REP. GARY BECK	X		
REP. BOB DAVIES	X		
REP. RON ERICKSON	X		
REP. TOM FACEY	X		
REP. GAIL GUTSCHE	X		
REP. MARIAN HANSON	X		
REP. HAL HARPER	X		
REP. CHASE HIBBARD	X		
REP. JOE MCKENNEY	X		
REP. BRAD MOLNAR	X		
REP. BOB PAVLOVICH	X		
REP. BOB RANEY	X		
REP. BILL REHBEIN	X		
REP. JIM SHOCKLEY	X		
REP. ROGER SOMERVILLE	X		
REP. ALLAN WALTERS	X		
REP. DANIEL FUCHS VICE CHAIR	X		
REP. GEORGE GOLIE VICE CHAIR	X		
REP. DOUG WAGNER CHAIR	X		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE
FISH, WILDLIFE AND PARKS

DATE 3/25/99 BILL NO. SB334 NUMBER 6

MOTION: Golie move to table

13 7

NAME	AYE	NO
Rep. Sheill Anderson	X	
Rep. Gary Beck	X	
Rep. Bob Davies	X	
Rep. Ron Erickson		X
Rep. Tom Facey	X	
Rep. Gail Gutsche		X
Rep. Marian Hanson		X
Rep. Hal Harper		X
Rep. Chase Hibbard		X
Rep. Joe McKenney		X
Rep. Brad Molnar	X	
Rep. Bob Pavlovich	X	
Rep. Bob Raney	X	
Rep. Bill Rehbein	X	
Rep. Jim Shockley		X
Rep. Roger Somerville	X	
Rep. Allan Walters	X	
Rep. Daniel Fuchs Vice Chair	X	
Rep. George Golie Vice Chair	X	
Rep. Doug Wagner Chair	X	

LEGISLATIVE TAPE LOG

COMMITTEE: Fish, Wildlife and Parks

DATE: 3-25-99

MINUTES	CONTENT NOTES
000	Chairman Wagner called meeting to order @ 3:20
011	SB 58 Pavlovich moved to table Passed U
022	SB 59 Walters move to be concurrent Discussion Chairman Wagner - amendments $3.00 to $1.00 fee
035	Rep Shockley
041	Anderson move substitute motion 2/3
060	Chairman Wagner discussed amendment
078	Rehlein ? Discussion passed U
092	Rep Lacey
099	Rep Mohar - Amendment Numbers 2001 Change to 2000
121	D. Steinberg Rep. Pavlovich Rep. Mohar? passed 13-7

LEGISLATIVE TAPE LOG

COMMITTEE: Fish, Wildlife & Marine Parks

DATE: 3-25-99

MINUTES	CONTENT NOTES
140	Mahan amendment SB 0059 3rds
	Discussion:
160	Rep. Anderson - Mahan
200	Rep. Driver - Mahan
	about 15% Chance of Lamentations
	? Failed 12-8
	Discussion:
	Rep. Rehbein w/drew his amendment for a
258	Rep. Hanson? opinion purpose
	passed 19-1
	SB 334
	Chairman move be concurred in
	Heide move to table. passed 13-7
276	SB 338
	Chairman move be concurred in
	Discussion: Steinberg
	Mahan move indefinitely postpone
	Stacy move to substitute table
	passed 13-7
	SB 445 move to table passed 12-8
316	Rep. Davies move to Lift HB 3[illegible] off
328	table
	Women

(2)

LEGISLATIVE TAPE LOG

COMMITTEE: Fish, Wildlife and Parks

DATE: 3-25-99

MINUTES	CONTENT NOTES
348	Rep. Nathan - Chairman Wagner ↔ where is money coming from what else could it be used to
377	Rep Harper Harper move to lefst Do not Rec Nathan do pass
388	Facey do pass amendments D. Steinberg
402	Facey - 2/ year. Discussion
	Shockley do pass as amended Discussion
400	Erickson - source of money
1165	?
	Chairman move to adjourn. 3:50

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH, WILDLIFE AND PARKS

Call to Order: By **CHAIRMAN DOUG WAGNER**, on March 29, 1999 at 5:35 P.M., in Room 312 - 1 Capitol.

ROLL CALL

Members Present:

Rep. Doug Wagner, Chairman (R)
Rep. Daniel Fuchs, Vice Chairman (R)
Rep. George Golie, Vice Chairman (D)
Rep. Shiell Anderson (R)
Rep. Gary Beck (D)
Rep. Bob Davies (R)
Rep. Ron Erickson (D)
Rep. Tom Facey (D)
Rep. Gail Gutsche (D)
Rep. Marian Hanson (R)
Rep. Hal Harper (D)
Rep. Chase Hibbard (R)
Rep. Joe McKenney (R)
Rep. Brad Molnar (R)
Rep. Bob Pavlovich (D)
Rep. Bob Raney (D)
Rep. Bill Rehbein (R)
Rep. Jim Shockley (R)
Rep. Roger Somerville (R)
Rep. Allan Walters (R)

Members Excused: None.

Members Absent: None.

Staff Present: Mikell Johnson, Committee Secretary
Doug Sternberg, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: NONE
Executive Action: SB 338; SB 334

Motion/Vote: **REP. HIBBARD** moved **LIFT SB 338 FROM TABLE. Motion carried 17-1 with Molnar voting no.**

Motion: **REP. HIBBARD** moved that **SB 338 BE CONCURRED IN.**

Motion/Vote: **Chairman Wagner** moved that **SB 338 BE AMENDED. Motion carried 16-2 with Anderson and Molnar voting no.**

EXHIBIT(fih70a01)

Discussion: Chairman Wagner talked to Sen. Mesaros and Rep Swanson; Rep. Hibbard; Chairman Wagner; Doug Sternberg; Rep. Golie; Rep. Harper; Rep. Molnar;

Motion/Vote: **REP. HIBBARD** moved **SB 338** Molars's amendment be segregated. **Motion carried 10-7 with Anderson, Hanson, Molnar, Pavlovich, Rehbein, Shockley, and Somerville voting no.**

Motion/Vote: **REP. MOLNAR** moved **SB 338 CONCEPTUAL AMENDMENT. Motion failed 9-11** voice vote.

Motion/Vote: **REP. WAGNER** moved that **SB 338 BE CONCURRED IN AS AMENDED. Motion carried 15-5 with Beck, Davies, Facey, Golie, and Molnar voting no.**

Motion/Vote: **REP. FUCHS** moved **SB 334 TO LIFT OFF TABLE. Motion carried 14-5 with Anderson, Fuchs, Molnar, Somerville, and Walters voting no.**

Motion: **REP. FUCHS** moved that **SB 334 BE CONCURRED IN.**

Motion: **REP. FUCHS** moved that **SB 334 BE AMENDED.**

EXHIBIT(fih70a02)

Discussion: Sternberg explained amendments; Rep. Anderson; Rep. Raney; Rep. Shockley;

Motion/Vote: **REP. FUCHS** moved that **SB 334 BE AMENDED. Motion carried 12-8 with Anderson, Facey, Hanson, Harper, Hibbard, Somerville, Wagner, and Walters voting no.**

Motion: **REP. FUCHS** moved that **SB 334 BE AMENDED.**

Discussion: Rep. Golie; Rep. Shockley;

Motion: **REP. FUCHS** moved that **SB 334 BE AMENDED** failed on a voice vote.

Motion/Vote: **REP. HANSON** moved that **SB 334 BE AMENDED. Motion passed unanimously.**

EXHIBIT(fih70a03)

Motion: **REP. MOLNAR** moved that **SB 334 BE AMENDED.**

Discussion: Doug Sternberg explained the amendments. It was motioned to segregate them and the motion failed Unanimously.

Motion/Vote: **REP. MOLNAR** moved that **SB 334 BE AMENDED. Motion failed unanimously.**

EXHIBIT(fih70a04)

Motion/Vote: **REP. BECK** moved **SB 334 BE AMENDED. Motion carried unanimously.**

EXHIBIT(fih70a05)

Motion/Vote: **REP. HIBBARD** moved that **SB 334 BE AMENDED. Motion carried 15-3 with Gutsche, Wagner, and Walters voting no.**

EXHIBIT(fih70a06)

Motion/Vote: **REP. HANSON** moved that **SB 334 BE AMENDED. Motion carried unanimously.**

EXHIBIT(fih70a07)

Motion/Vote: **REP. SHOCKLEY** moved that **SB 334 BE AMENDED. Motion failed 7-13** on a voice vote.

Motion/Vote: **REP. ANDERSON** moved that **SB 334 BE TABLED. Motion failed 7-13 with Beck, Davies, Erickson, Facey, Fuchs, Golie, Gutsche, Hanson, Harper, Hibbard, McKenney, Pavlovich, and Rehbein voting no.**

Motion/Vote: **REP. HANSON** moved that **SB 334 BE CONCURRED IN AS AMENDED. Motion carried 13-7 with Anderson, Molnar, Raney, Shockley, Somerville, Wagner, and Walters voting no.**

Motion/Vote: **REP. MOLNAR** moved **MOVE TO ADJOURN. Motion carried 15-4 with Erickson, Harper, Raney, and Somerville voting no.**

EXHIBIT 2
DATE 3-29-99
SB 334

Amendments to Senate Bill No. 334
3rd Reading Copy

Requested by Representative Daniel Fuchs

For the House Fish, Wildlife and Parks Committee

Prepared by Doug Sternberg
March 19, 1999 (8:55AM)

1. Page 2, line 17.
Strike: "TWO OUTFITTERS WHO ARE"
Insert: "one outfitter who is"

2. Page 2, line 18.
Strike: "TWO"
Insert: "three"

- END -

EXHIBIT 3
DATE 3-29-99
SB 334

Amendments to Senate Bill No. 334
3rd Reading Copy

Requested by Senator Ken Mesaros

For the House Fish, Wildlife and Parks Committee

Prepared by Doug Sternberg
March 18, 1999 (10:03AM)

1. Page 6, line 9 through line 11.
Following: "OUTFITTER" on line 9
Strike: remainder of line 9 through "87-2-511" on line 11

2. Page 9, line 15 through line 17.
Following: "MEANS" on line 15
Strike: remainder of line 15 through "RECREATION" on line 17
Insert: "dedicated roads, such as county roads or forest service roads, or rights-of-way with historical use that have been established as legal public rights-of-way"

- END -

EXHIBIT 4
DATE 3-29-99
SB 334

Amendments to Senate Bill No. 334
3rd Reading Copy

Requested by Representative Brad Molnar

For the House Fish, Wildlife and Parks Committee

Prepared by Doug Sternberg
March 24, 1999 (8:38AM)

1. Page 1, line 30.
Following: "FOLLOWING"
Strike: "seven"

2. Page 2, line 15.
Strike: "ONE"
Insert: "two"
Following: "HUNTING"
Strike: "OUTFITTER"
Insert: "outfitters, one of whom outfits primarily on private land and one of whom outfits primarily on public land"

3. Page 2, line 17.
Following: "(C)"
Strike: remainder of line 17
Insert: "one landowner who is not engaged in outfitting;
(d) one employee of the department of fish, wildlife, and parks;"
Renumber: subsequent subsections

4. Page 2, line 18.
Strike: "TWO"
Insert: "four"

5. Page 2, line 20.
Following: "(3)"
Strike: "(A) A SUBCOMMITTEE COMPOSED OF FIVE"
Insert: "The"

6. Page 2, line 24 through line 25.
Strike: subsection (B) in its entirety

7. Page 3, line 27.
Strike: "most"
Insert: "average number of"

8. Page 3, line 28.
Following: "category"
Strike: "in any"

Insert: "during"
Following: "license"
Strike: "year"
Insert: "years"

9. Page 5, line 10.
Following: "~~area~~"
Insert: "in order to determine if the proposal will cause an undue conflict with existing hunting use of the area, constituting a threat to the public health, safety, or welfare. The board may not approve a new operations plan or the proposed expansion of net client hunting use under the existing operations plan if it finds that the proposal will cause an undue conflict with existing hunting use of the area"

10. Page 5, line 15.
Following: "year"
Strike: "and"
Insert: ","

11. Page 5, line 16.
Following: "year"
Insert: ", and an estimate of the number of acres of public land to which access has been blocked"

12. Page 5, line 24.
Following: "~~and~~"
Insert: "that meet the standards of the legislative auditor and"

13. Page 5, line 29.
Following: "by"
Strike: "a"
Insert: "an annual"
Following: "fee"
Strike: "as specified by board rule"
Insert: "of $1,000"

14. Page 6, line 19 through line 20.
Strike: "UNLESS" on line 19 through "OUTFITTER" on line 20

15. Page 6, line 26 through page 7, line 3.
Strike: subsection (3) through subsection (4) in their entirety
Renumber: subsequent subsection

16. Page 7, line 6.
Strike: "highest"
Insert: "average"

17. Page 7, line 11.
Following: "~~land.~~"
Insert: "(4) An outfitter who operates on United States forest service land or on bureau of land management acreage that does not involve private land must have NCHU established as allocated service days. That NCHU must fluctuate annually according to service day use and allocation and is not transferable to private land."

18. Page 7, line 20.
Following: "request"
Strike: "creates closure of"
Insert: "includes"
Following: "a"
Insert: "closed"

19. Page 7, line 29.
Strike: "would create or exacerbate"
Insert: "or current plan creates or exacerbates"

20. Page 7, line 30.
Strike: "CURRENT"

21. Page 8, line 10.
Following: "description."
Insert: "If 15 or more members of the public from the region that will be affected by an increase in NCHU request that a local meeting be held on the issue, a local meeting must be held and public comments from the meeting recorded and incorporated as provided in this subsection."

22. Page 8, line 12.
Strike: "In addition, the"
Insert: "The"

23. Page 8, line 13.
Strike: "separately from"
Insert: "in conjunction with"

24. Page 9, line 14.
Strike: "directly"

25. Page 9, line 21 through line 22.
Following: "each" on line 21
Strike: "client" on line 21 through "served" on line 22
Insert: "NCHU"

26. Page 9, line 26 through line 31.
Following: "camp" on line 26

Strike: remainder of line 26 through "operations" on line 28

27. Page 10, line 3 through line 5.
Following: "POLICIES" on line 3
Strike: remainder of line 3 through "RESTRICTED" on line 5

- END -

EXHIBIT 5
DATE 3-29-99
SB 334

Amendments to Senate Bill No. 334
3rd Reading Copy

Requested by Representative Gary Beck

For the House Fish, Wildlife and Parks Committee

Prepared by Doug Sternberg
March 24, 1999 (10:01AM)

1. Page 2, line 19.
Following: "PUBLIC"
Insert: "who has shown commitment to public resource conservation that equitably benefits the Montana citizenry as a whole, not including commercial activities. As used in this section, "sportsperson" means a person who:
(i) ethically pursues public game or fish through fair chase;
(ii) embraces and defends the principle of public ownership of wildlife; and
(iii) recognizes the need for good relations between landowners and sportspersons"

2. Page 6, line 19 through line 20.
Strike: "UNLESS" on line 19 through "OUTFITTER" on line 20

- END -

EXHIBIT 16
DATE 3-29-99
SB 334

Amendments to Senate Bill No. 334
3rd Reading Copy

Requested by Representative Chase Hibbard

For the House Fish, Wildlife and Parks Committee

Prepared by Doug Sternberg
March 24, 1999 (8:43AM)

1. Page 9, line 21.
Strike: "$10"
Insert: "$2"

2. Page 10.
Following: line 5
Insert: "(d) An outfitter who desires a net client hunter use expansion shall pay a nonrefundable fee of $2,000 for each expansion request."

3. Page 10, line 10.
Strike: "$10"
Insert: "$2"
Following: "must be"
Strike: "SPLIT EQUALLY BETWEEN"
Insert: "deposited in the state special revenue fund to the credit of"

4. Page 10, line 11.
Following: "BOARD"
Strike: "AND THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS"
Insert: "for implementing the recordkeeping requirements associated with net client hunter use"

5. Page 10, line 20.
Insert: "(d) Revenue generated by the $2,000 fee imposed in subsection (1)(d) must be deposited in the state special revenue fund to the credit of the department of fish, wildlife, and parks to cover the department's expenses in processing and analyzing requests for NCHU expansion as required in [section 6]."

- END -

EXHIBIT 7
DATE 3-29-99
SB 334

Amendments to Senate Bill No. 334
3rd Reading Copy

For the House Fish, Wildlife and Parks Committee

Prepared by Doug Sternberg
March 24, 1999 (8:44AM)

1. Title, lines 9 and 10.
Following: "FEES;" on line 9
Strike: remainder of line 9 through "PROVISIONS;" on line 10

2. Page 10, line 1.
Strike: "(A)"
Insert: "(i)"
Renumber: subsequent subsections

3. Page 10, line 2.
Strike: "OCTOBER"
Insert: "January"

4. Page 10, line 21 through page 11, line 4.
Strike: section 8 in its entirety
Renumber: subsequent section

5. Page 11, line 11.
Following: "THROUGH"
Strike: "6,"
Following: "8"
Strike: ", 9,"

6. Page 11, line 12 through line 17.
Strike: subsection (3) in its entirety

- END -

HOUSE OF REPRESENTATIVES

FISH, WILDLIFE AND PARKS COMMITTEE

ROLL CALL DATE 3-29-99

NAME	PRESENT	ABSENT	EXCUSED
REP. SHEILL ANDERSON	X		
REP. GARY BECK	X		
REP. BOB DAVIES	X		
REP. RON ERICKSON	X		
REP. TOM FACEY	X		
REP. GAIL GUTSCHE	X		
REP. MARIAN HANSON	X		
REP. HAL HARPER	X		
REP. CHASE HIBBARD	X		
REP. JOE MCKENNEY	X		
REP. BRAD MOLNAR	X		
REP. BOB PAVLOVICH	X		
REP. BOB RANEY	X		
REP. BILL REHBEIN	X		
REP. JIM SHOCKLEY	X		
REP. ROGER SOMERVILLE	X		
REP. ALLAN WALTERS	X		
REP. DANIEL FUCHS VICE CHAIR	X		
REP. GEORGE GOLIE VICE CHAIR	X		
REP. DOUG WAGNER CHAIR	X		

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Fish, Wildlife and Parks** report that **Senate Bill 334** (third reading copy -- blue) **be concurred in as amended.**

Signed: Rep. George Golie
Representative Doug Wagner, Chair

To be carried by Representative Chase Hibbard

And, that such amendments read:

1. Title, lines 9 and 10.
Following: "FEES;" on line 9
Strike: remainder of line 9 through "PROVISIONS;" on line 10

2. Page 2, line 17.
Strike: "TWO OUTFITTERS WHO ARE"
Insert: "one outfitter who is"

3. Page 2, line 18.
Strike: "TWO"
Insert: "three"

4. Page 2, line 19.
Following: "PUBLIC"
Insert: "who has shown commitment to public resource conservation that equitably benefits the Montana citizenry as a whole, not including commercial activities. As used in this section, "sportsperson" means a person who:
(i) ethically pursues public game or fish through fair chase;
(ii) embraces and defends the principle of public ownership of wildlife; and
(iii) recognizes the need for good relations between landowners and sportspersons"

5. Page 6, line 9 through line 11.

Committee Vote:
Yes 13, No 7.

710851SC.ham

4-10-99
3:30
3

Following: "OUTFITTER" on line 9
Strike: remainder of line 9 through "87-2-511" on line 11

6. Page 9, line 15 through line 17.
Following: "MEANS" on line 15
Strike: remainder of line 15 through "RECREATION" on line 17
Insert: "dedicated roads, such as county roads or forest service roads, or rights-of-way with historical use that have been established as legal public rights-of-way"

7. Page 9, line 21.
Strike: "$10"
Insert: "$2"

8. Page 10, line 1.
Strike: "(A)"
Insert: "(i)"
Renumber: subsequent subsections

9. Page 10, line 2.
Strike: "OCTOBER"
Insert: "January"

10. Page 10.
Following: line 5
Insert: "(d) An outfitter who desires a net client hunter use expansion shall pay a nonrefundable fee of $2,000 for each expansion request."

11. Page 10, line 10.
Strike: "$10"
Insert: "$2"
Following: "must be"
Strike: "SPLIT EQUALLY BETWEEN"
Insert: "deposited in the state special revenue fund to the credit of"

12. Page 10, line 11.
Following: "BOARD"
Strike: "AND THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS"
Insert: "for implementing the recordkeeping requirements associated with net client hunter use"

13. Page 10, line 20.
Insert: "(d) Revenue generated by the $2,000 fee imposed in subsection (1)(d) must be deposited in the state special revenue fund to the credit of the department of fish, wildlife, and parks to cover the department's expenses in processing and analyzing requests for NCHU expansion as required in [section 6]."

14. Page 10, line 21 through page 11, line 4.
Strike: section 8 in its entirety
Renumber: subsequent section

15. Page 11, line 11.
Following: "THROUGH"
Strike: "6,"
Following: "8"
Strike: ", 9,"

16. Page 11, line 12 through line 17.
Strike: subsection (3) in its entirety

- END -

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE
FISH, WILDLIFE AND PARKS

DATE 3-29-99 BILL NO. SB334 NUMBER 6

MOTION: Fuchs move to lift DP table.

14 - 5

NAME	AYE	NO
Rep. Sheill Anderson		X
Rep. Gary Beck	X	
Rep. Bob Davies	X	
Rep. Ron Erickson	X	
Rep. Tom Facey	X	
Rep. Gail Gutsche	X	
Rep. Marian Hanson	X	
Rep. Hal Harper	X	
Rep. Chase Hibbard	X	
Rep. Joe McKenney	X	
Rep. Brad Molnar		X
Rep. Bob Pavlovich	X	
Rep. Bob Raney	X	
Rep. Bill Rehbein	X	
Rep. Jim Shockley	X	
Rep. Roger Somerville		X
Rep. Allan Walters		X
Rep. Daniel Fuchs Vice Chair	X	
Rep. George Golie Vice Chair	X	
Rep. Doug Wagner Chair		X

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE
FISH, WILDLIFE AND PARKS

DATE 3-29-99 BILL NO. SB334 NUMBER 7

MOTION: Fuchs mar amendment SB033405.ads

12 8

NAME	AYE	NO
Rep. Sheill Anderson		X
Rep. Gary Beck	X	
Rep. Bob Davies	X	
Rep. Ron Erickson		X
Rep. Tom Facey	X	
Rep. Gail Gutsche	X	
Rep. Marian Hanson		X
Rep. Hal Harper		X
Rep. Chase Hibbard		X
Rep. Joe McKenney	X	
Rep. Brad Molnar	X	
Rep. Bob Pavlovich	X	
Rep. Bob Raney	X	
Rep. Bill Rehbein	X	
Rep. Jim Shockley	X	
Rep. Roger Somerville		X
Rep. Allan Walters		X
Rep. Daniel Fuchs Vice Chair	X	
Rep. George Golie Vice Chair	X	
Rep. Doug Wagner Chair		X

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE
FISH, WILDLIFE AND PARKS

DATE 3-29-99 BILL NO. SB334 NUMBER 8

MOTION: Fuchs mav amendment

(voice vote) FAILED

NAME	AYE	NO
Rep. Sheill Anderson		
Rep. Gary Beck		
Rep. Bob Davies		
Rep. Ron Erickson		X
Rep. Tom Facey		
Rep. Gail Gutsche		
Rep. Marian Hanson		
Rep. Hal Harper		
Rep. Chase Hibbard		
Rep. Joe McKenney		
Rep. Brad Molnar		
Rep. Bob Pavlovich		
Rep. Bob Raney		X
Rep. Bill Rehbein		
Rep. Jim Shockley		
Rep. Roger Somerville		
Rep. Allan Walters		
Rep. Daniel Fuchs Vice Chair	X	
Rep. George Golie Vice Chair		
Rep. Doug Wagner Chair	X	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE
FISH, WILDLIFE AND PARKS

DATE 3-29-99 BILL NO. SB334 NUMBER 9

MOTION: Hanson move amendment SB033404.ads

passed

NAME	AYE	NO
Rep. Sheill Anderson	X	
Rep. Gary Beck	X	
Rep. Bob Davies	X	
Rep. Ron Erickson	X	
Rep. Tom Facey	X	
Rep. Gail Gutsche	X	
Rep. Marian Hanson	X	
Rep. Hal Harper	X	
Rep. Chase Hibbard	X	
Rep. Joe McKenney	X	
Rep. Brad Molnar	X	
Rep. Bob Pavlovich	X	
Rep. Bob Raney	X	
Rep. Bill Rehbein	X	
Rep. Jim Shockley	X	
Rep. Roger Somerville	X	
Rep. Allan Walters	X	
Rep. Daniel Fuchs Vice Chair	X	
Rep. George Golie Vice Chair	X	
Rep. Doug Wagner Chair	X	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE
FISH, WILDLIFE AND PARKS

DATE 3-29-99 BILL NO. SB334 NUMBER 10

MOTION: Rep Molnar do pass amendment (1-12) SB033407.ads

(voice vote) failed 11

NAME	AYE	NO
Rep. Sheill Anderson		X
Rep. Gary Beck		
Rep. Bob Davies		
Rep. Ron Erickson		
Rep. Tom Facey		
Rep. Gail Gutsche		
Rep. Marian Hanson		
Rep. Hal Harper		
Rep. Chase Hibbard		X
Rep. Joe McKenney		
Rep. Brad Molnar	X	
Rep. Bob Pavlovich		
Rep. Bob Raney		
Rep. Bill Rehbein		
Rep. Jim Shockley		
Rep. Roger Somerville		
Rep. Allan Walters		
Rep. Daniel Fuchs Vice Chair		
Rep. George Golie Vice Chair		
Rep. Doug Wagner Chair		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE
FISH, WILDLIFE AND PARKS

DATE 3-29-99 BILL NO. SB334 NUMBER 11

MOTION: Rep. Beck mac amendment SB033408.adk

parcell

NAME	AYE	NO
Rep. Sheill Anderson		
Rep. Gary Beck		
Rep. Bob Davies		
Rep. Ron Erickson		
Rep. Tom Facey		
Rep. Gail Gutsche		
Rep. Marian Hanson		
Rep. Hal Harper		
Rep. Chase Hibbard		
Rep. Joe McKenney		
Rep. Brad Molnar		
Rep. Bob Pavlovich		
Rep. Bob Raney		
Rep. Bill Rehbein		
Rep. Jim Shockley		
Rep. Roger Somerville		
Rep. Allan Walters		
Rep. Daniel Fuchs Vice Chair		
Rep. George Golie Vice Chair		
Rep. Doug Wagner Chair		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE
FISH, WILDLIFE AND PARKS

DATE 3-29-99 BILL NO. SB331 NUMBER 12

MOTION: Attend move amendments SB331 do pass

(voice vote) 15 - 3

NAME	AYE	NO
Rep. Sheill Anderson	X	
Rep. Gary Beck	X	
Rep. Bob Davies	X	
Rep. Ron Erickson	X	
Rep. Tom Facey	X	
Rep. Gail Gutsche		X
Rep. Marian Hanson	X	
Rep. Hal Harper	X	
Rep. Chase Hibbard	X	
Rep. Joe McKenney	X	
Rep. Brad Molnar	X	
Rep. Bob Pavlovich	X	
Rep. Bob Raney	X	
Rep. Bill Rehbein	X	
Rep. Jim Shockley	X	
Rep. Roger Somerville	X	
Rep. Allan Walters		X
Rep. Daniel Fuchs Vice Chair	X	
Rep. George Golie Vice Chair	X	
Rep. Doug Wagner Chair		X

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE
FISH, WILDLIFE AND PARKS

DATE 3-29-99 BILL NO. SB334 NUMBER 13

MOTION: Hanson moves Stenvig amendment SB033402.adp

Passed

NAME	AYE	NO
Rep. Sheill Anderson		
Rep. Gary Beck		
Rep. Bob Davies		
Rep. Ron Erickson		
Rep. Tom Facey		
Rep. Gail Gutsche		
Rep. Marian Hanson		
Rep. Hal Harper		
Rep. Chase Hibbard		
Rep. Joe McKenney		
Rep. Brad Molnar		
Rep. Bob Pavlovich		
Rep. Bob Raney		
Rep. Bill Rehbein		
Rep. Jim Shockley		
Rep. Roger Somerville		
Rep. Allan Walters		
Rep. Daniel Fuchs Vice Chair		
Rep. George Golie Vice Chair		
Rep. Doug Wagner Chair		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE
FISH, WILDLIFE AND PARKS

DATE 3-29-99 BILL NO. SB334 NUMBER 14

MOTION: Shockley move amendments FAILED

(voice vote) 7 13

NAME	AYE	NO
Rep. Sheill Anderson		X
Rep. Gary Beck		
Rep. Bob Davies		
Rep. Ron Erickson		
Rep. Tom Facey		
Rep. Gail Gutsche		
Rep. Marian Hanson		
Rep. Hal Harper		
Rep. Chase Hibbard		
Rep. Joe McKenney		
Rep. Brad Molnar		
Rep. Bob Pavlovich		
Rep. Bob Raney		X
Rep. Bill Rehbein		
Rep. Jim Shockley		
Rep. Roger Somerville		
Rep. Allan Walters		
Rep. Daniel Fuchs Vice Chair		
Rep. George Golie Vice Chair		X
Rep. Doug Wagner Chair		X

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE
FISH, WILDLIFE AND PARKS

DATE 3-29-99 BILL NO. SB 334 NUMBER 15

MOTION: Anderson moved to table

7 - 13

NAME	AYE	NO
Rep. Sheill Anderson	X	
Rep. Gary Beck		X
Rep. Bob Davies		X
Rep. Ron Erickson		X
Rep. Tom Facey		X
Rep. Gail Gutsche		X
Rep. Marian Hanson		X
Rep. Hal Harper		X
Rep. Chase Hibbard		X
Rep. Joe McKenney		X
Rep. Brad Molnar	X	
Rep. Bob Pavlovich		X
Rep. Bob Raney	X	
Rep. Bill Rehbein		X
Rep. Jim Shockley	X	
Rep. Roger Somerville	X	
Rep. Allan Walters	X	
Rep. Daniel Fuchs Vice Chair		X
Rep. George Golie Vice Chair		X
Rep. Doug Wagner Chair	X	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE
FISH, WILDLIFE AND PARKS

DATE 3-29-99 BILL NO. SB 334 NUMBER 16

MOTION: Hanson amend to be concurred as amended

Adverse vote

13 7

NAME	AYE	NO
Rep. Sheill Anderson		X
Rep. Gary Beck	X	
Rep. Bob Davies	X	
Rep. Ron Erickson	X	
Rep. Tom Facey	X	
Rep. Gail Gutsche	X	
Rep. Marian Hanson	X	
Rep. Hal Harper	X	
Rep. Chase Hibbard	X	
Rep. Joe McKenney	X	
Rep. Brad Molnar		X
Rep. Bob Pavlovich	X	
Rep. Bob Raney		X
Rep. Bill Rehbein	X	
Rep. Jim Shockley		X
Rep. Roger Somerville		X
Rep. Allan Walters		X
Rep. Daniel Fuchs Vice Chair	X	
Rep. George Golie Vice Chair	X	
Rep. Doug Wagner Chair		X

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE
FISH, WILDLIFE AND PARKS

DATE 3-29-99 BILL NO. _____ NUMBER 17

MOTION: Mahan move to adjourn

Voice vote 15 - 4

NAME	AYE	NO
Rep. Sheill Anderson		
Rep. Gary Beck		
Rep. Bob Davies		
Rep. Ron Erickson		X
Rep. Tom Facey		
Rep. Gail Gutsche		
Rep. Marian Hanson		
Rep. Hal Harper		X
Rep. Chase Hibbard		
Rep. Joe McKenney		
Rep. Brad Molnar		
Rep. Bob Pavlovich		
Rep. Bob Raney		X
Rep. Bill Rehbein		
Rep. Jim Shockley		
Rep. Roger Somerville		X
Rep. Allan Walters		
Rep. Daniel Fuchs Vice Chair		
Rep. George Golie Vice Chair		
Rep. Doug Wagner Chair		

COMMITTEE PROXY

Date 3-29-99

I request to be excused from the _____ Committee meeting this date because of other commitments. I desire to leave my proxy vote with Rep. Wagner.

Indicate Bill Number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO
SB 445		✓
any other table motions		✓
SB 334 as Amd	✓	

SENATE BILL/AMENDMENT	AYE	NO

Rep. Dan Fuchs
(Signature)

HR:1991
wp/proxy

COMMITTEE PROXY

Date 3-29-99

I request to be excused from the Fish, Wildlife & Parks Committee meeting this date because of other commitments. I desire to leave my proxy vote with George Goelz.

Indicate **Bill Number** and your vote **Aye** or **No**. If there are **amendments**, list them by **name and number** under the bill and indicate a **separate vote for each amendment**.

HOUSE BILL/AMENDMENT	AYE	NO

SENATE BILL/AMENDMENT	AYE	NO
SB 445	X	
SB 338		X
SB 334 1st Amend	X	
SB 334 2nd Amend		X
SB 334 3rd Amend	X	
SB 334	X	

Rep. Tom Kaye
(Signature)

HR:1991
wp/proxy

COMMITTEE PROXY

Date 3/29/99

I request to be excused from the Fish + Game Committee meeting this date because of other commitments. I desire to leave my proxy vote with Golik.

Indicate Bill Number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO
[redacted]		
[redacted]		
[redacted]		
[redacted]		
OFF TABLE	X	
SEN. Bill		
344		
w/amendment	X	

SENATE BILL/AMENDMENT	AYE	NO
OFF TABLE	X	
SEN. Bill	X	
445		
w/amendment	X	
SB 334	X	
OR ANY		
OTHER Bill		
Yes LIKE		

Rep. [signature]
(Signature)

NO ON ANYTHING HUMAN WANTS

LEGISLATIVE TAPE LOG

COMMITTEE: Fish, Wildlife and Parks

DATE: 3-29-99

MINUTES	CONTENT NOTES
000	Chairman Wagner called meeting to order @ 5:35 p.m.
	HB488 - Hollister Bill N - Hollister Bill - Ramey
	SB334 SB338
049	Hibbard remove SB338 from table 17-1
063	exhibit 1 Wagner move amendments
070	D. Stenberg
123	Chairman Wagner (talked to Mesaros & talked to Swanson)
150	Rep. Hibbard
190	Chairman Wagner

LEGISLATIVE TAPE LOG

COMMITTEE: Fish, Wildlife and Parks

DATE: 3-29-99

MINUTES	CONTENT NOTES
190	Chairman Wagner
199	Rep. Hilleard - do amendments - prohibit the expansion of bear management
203	D. Sternberg - yes they'll have to work w/what they got.
219	Rep. Hilleard vote on fee increase separate them
225	D. Sternberg
236	Rep Hilleard
239	Rep. Harper
265	Rep. Bolle
273	Rep Mcnar
314	Chairman Wagner
591	D. Sternberg clarification
600	Rep. Hilleard - segregate amendment
	D. Sternberg

LEGISLATIVE TAPE LOG

COMMITTEE: Fish, Wildlife and Parks

DATE: 3-29-99

MINUTES	CONTENT NOTES
620	Rep. Anderson - Speak against it
624	passed 10-7
	w/drawn other ? & Discussion
668	Rep. Molnar - Conceptual Amendment failed 7-11
700	Rep. Molnar
712	passed 15-5
760	SB334
	Fuchs take off table passed 14-5
	Fuchs move amendment
793	Stevens explained amendments
	Discussion: Rep. Fuchs
822	Rep. Anderson - vote against
839	Rep. Ramey
847	Rep Shockley ?
	Fuchs amendment passed 12-8
	Fuchs move amendment
	Discussion

LEGISLATIVE TAPE LOG

COMMITTEE: Fish, Wildlife & Parks

DATE: 3-29-99

MINUTES	CONTENT NOTES
879	Rep. Wolfe - ? to Fuchs
886	Rep. Shockley ? failed
900	Rep. Hanson move amendment ? passed u
977	Molnar move amendment (Continued on tape 2 side A)
030	D. Sternberg - explained Molnars amendment
065	Rep Hanson - Rep Molnar
	segregate them ? failed u.
081	Rep. Beck move amendment
090	D. Sternberg explained amendments Discussion
103	Rep Anderson ? passed u
113	Rep. Hillyard move amendment
136	D. Sternberg explained amendments Discussion ? passed 15-2 Discussion:
1100	Rep Shockley
172	Rep. Kenley
176	Rep Shockley
189	Sternberg amendments SB033402ads Hanson move - passed u

(4)

LEGISLATIVE TAPE LOG

COMMITTEE: Fish, Wildlife and Parks

DATE: 3-29-99

MINUTES	**CONTENT NOTES**
208	Rep Shockley move amendments
	"general public"
	Anderson move to table failed to table 7 - 13
	Hanson DO concur as amended
	passed 13-7
	Merrem move to adjourn @ 6:55

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

CONFERENCE COMMITTEE ON SB 334

Call to Order: By **Chairman Ken Mesaros**, on April 13, 1999 at 9:10 A.M., in Room 410 Capitol.

ROLL CALL

Members Present:

Sen. Ken Mesaros, Chairman (R)
Sen. William Crismore (R)
Sen. Bea McCarthy (D)
Rep. Shiell Anderson (R)
Rep. Marian Hanson (R)
Rep. Emily Swanson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Doug Sternberg, Legislative Branch
Adrienne Pillatzke, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted:
Executive Action: SB 334

EXECUTIVE ACTION ON SB 334

Doug Sternberg entered amendment SB033414.ads, **EXHIBIT(ccs80sb0334a01).**

SENATOR MESAROS explained amendment.

Motion: **REP. SWANSON** moved that **SB033414.ADS BE ADOPTED.**

Discussion:

REPRESENTATIVE SWANSON said the amendments are good amendments. They clean up the bill.

Vote: **Motion carried unanimously.**

REPRESENTATIVE SWANSON requested to propose an amendment for SB 334. She understood since the meeting was not a free conference committee they could not hear the amendment. She said if time permits she would request a free conference. She explained the amendment which she would propose.

SENATOR MESAROS replied he was unaware of the concern. He was reluctant to open the meeting to a free conference committee to open up the whole bill.

REPRESENTATIVE ANDERSON asked why she thought the amendment, which would have proposed, is necessary. **REPRESENTATIVE SWANSON** explained why the amendment would be important.

SENATOR CRISMORE thought the outfitter could sell their licenses. **Robin Cunningham** replied the licenses are transferred. He commented on how a business is transferred from the owner to the buyer.

SENATOR MESAROS asked why the issue was surfacing at a late date. **Van Jamison, MT Wildlife Federation,** replied he was informed the amendment was adopted in the House. He did not look to see if it had been. He said by the time he found out it was not adopted the bill had already gone through the House.

SENATOR MESAROS noted he had heard no word anybody wanted SB 334 to go into a free conference committee.
REPRESENTATIVE SWANSON said it was also her fault the amendment was not adopted.

Motion/Vote: **SEN. MCCARTHY** moved that **SB 334 BE CONCURRED IN AS AMENDED. Motion carried unanimously.**

CONFERENCE COMMITTEE ON SB 334
EXHIBIT NO. 1
DATE 4.13.99

Amendments to Sena
Reference Copy

Requested by Senator Ken Mesaros

For the Senate Conference Committee

Prepared by Doug Sternberg
April 12, 1999 (1:15PM)

1. Page 2, lines 20 through 25.
Following: the first "PUBLIC" on line 20
Strike: remainder of line 20 through "SPORTSPERSONS" on line 25

2. Page 5, line 22.
Following: "year"
Strike: "AN ESTIMATE OF THE NUMBER OF ACRES OF PUBLIC LAND TO WHICH ACCESS HAS BEEN BLOCKED,"

3. Page 8, lines 17 through 19.
Strike: "IF" on line 17 through "RECORDED." on line 19

- END -

CONFERENCE COMMITTEE

on House amendments to Senate Bill 334
Report No. 1, April 13, 1999

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 334** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

For the Senate:

Chair

Chair

Amendment Coordinator

Secretary of Senate

For the House:

Chair

And, recommend that **Senate Bill 334** (reference copy -- salmon) be amended as follows:

1. Page 2, lines 20 through 25.
Following: the first "PUBLIC" on line 20
Strike: remainder of line 20 through "SPORTSPERSONS" on line 25

2. Page 5, line 22.
Following: "year"
Strike: "AN ESTIMATE OF THE NUMBER OF ACRES OF PUBLIC LAND TO WHICH ACCESS HAS BEEN BLOCKED,"

ADOPT

REJECT

AC SB 334-1

801036CC.srf

3. Page 8, lines 17 through 19.
Strike: "IF" on line 17 through "RECORDED." on line 19

- END -

LEGISLATIVE TAPE LOG

COMMITTEE: Conference Committee on SB334

DATE: 4.13.99

MINUTES	CONTENT NOTES
	Senator Mesaros called meeting to order @ 9:10 am Executive Action on SB334 Doug Sternberg entered amendment SB033414.ads (Exhibit #1)
	Senator Mesaros explained amendment Motion: Rep. Swanson moved amendment SB033414.ads be adopted Discussion:
	Rep. Swanson vote: carried unanimously Rep Swanson
	Senator Mesaros Rep. Anderson - Rep. Swanson Senator Crismore - Robin Cunningham
	Senator Mesaros - Van Jamison, MT Wildlife Federation Senator Mesaros Rep. Swanson
	motion/vote: Senator McCarthy moved SB334 be concurred in as amended carried unanimously
	Meeting adjourned @ 9:25